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## Sens. Shaheen, Moran Send Strong Message to Commerce Secretary Opposing Lumber Tariffs

Sens. Jeanne Shaheen (D-N.H.) and Jerry Moran (R-Kan.), the chairman and ranking member, respectively, of the Senate Subcommittee on Commerce, Justice, Science and Related Agencies, recently sent a letter to Commerce Secretary Gina Raimondo opposing the Commerce action to double tariffs on Canadian lumber shipments into the U.S. from 9% to 18%.

“With the nation in the midst of a housing affordability crisis, this is exactly the wrong time to add needless housing costs onto the backs of hardworking American families,” the lawmakers said in the joint letter.

NAHB continues to urge the Biden administration to suspend tariffs on Canadian lumber and move immediately to engage with Canada on a long-term trade agreement that will ensure a stable supply of lumber to U.S. consumers at reasonable prices. We are also calling on members of Congress to urge the administration to take immediate action in this area.

The two senators stressed that historically high lumber and building material prices continue to serve as headwinds to the U.S. housing sector, and while housing has been a bright spot for

*(Cover Story – Continued on page 2)*

## In This Issue ...

**REGISTER NOW** for our  
Financial Forecast

**OHBA Fall Meeting Talking  
Points & Election Results**

**Legislative News**

**OSHA Issues Temporary  
Emergency Standard for  
Covid Vaccination**

**Topgolf & Parade Dates**

**NAHB Condemns Double  
Tariffs on Canadian Lumber**





Ken Cleveland	1,080*
John Sumodi	330.5
Andy Leach	144
Bob Knight	97
Mark Zollinger	42.5
Mike Hudak	42
Doug Leohr	34
Russ Sturgess	29
Dave LeHotan	7.5
Ed Belair	7
Rex Gasser	3.5
Charlie Ash	3
Jake Lewis	3
Chris Chatterelli	2
Ray DiYanni	1.5
Sean Smith	1
Paul Spenthoff	1
Jeff Stuart	1
Ryan Suppes	1

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

\*Current Life Spike status



the U.S. economy, “there is mounting evidence the dramatic increase in the cost of materials is unfortunately putting this success at risk.”

Shaheen and Moran called on Raimondo to return to the negotiating table and pursue a balanced trade agreement with Canada that will “provide predictability for lumber producers and home builders so they can continue to help the economy recover from the events of the past year.” ■

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## From the MCHBA Office ...

Members and Friends:

It's been one heck of (another) year and we are all hoping for a better one in 2022. With that in mind, you can't afford to miss our Financial Forecast on Wednesday, January 19 - for details, see page 7. Be sure to register (email me at [susanb@medinacountyhba.com](mailto:susanb@medinacountyhba.com)) and join us - it will be a great opportunity to see your fellow members and find out what is expected financially in 2022.

Due to the resounding success (and highly positive feedback), we will have a Topgolf event Thursday, March 24. It's the perfect member/friend/business associate fun outing. Save that date and plan on attending. More info to come.

Our Spring Parade of Homes dates are set. Our hope is that all of our builders can plan to enter at least one home in this event. We continue to have a lot of interest in the Parade and we're hoping 2022 will be a stellar year for everyone.

We wish each and every one of our members a wonderful holiday with friends and family. If I can be of any assistance, don't hesitate to contact me.

*Susan Bloch*

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## 2022 Save The Dates

**January 19, 2022**

**Financial Forecast** - See page 7 for more information on this NOT TO BE MISSED forecast for 2022!

**February 8-10, 2022**

**NAHB International Builder Show - Orlando, FL** this year - register now!

**March 24, 2022**

**Topgolf Member Event - Date TBD - Details to come!**



# From the Executive Director

Members and Friends:

I would like to wish all of our members a wonderful and safe holiday season. Your association board of directors have been working hard to put together events for 2022 to both help your business succeed, as well as provide opportunities to cultivate friendships and alliances with your fellow members.

Be sure to mark your calendar for our Financial Forecast which will be held Wednesday, January 19, 2022 at Williams on the Lake. Due to COVID in 2021, we were not able to hold our usual meeting, but 2022 we are back to having that meeting in person. It's the perfect time to network, ask questions of our experts, and be 'in the know' for our industry next year. 2022 will likely be a wild ride so it's a good idea to attend and be prepared.

Our next Topgolf event, which is one of our most fun member events held all year, will be on Thursday, March 24 ... more information coming soon.

I hope all of our builders will consider entering a home or two in our Spring Parade. There is plenty of time to plan so we are expecting to have a good number of participants this year, something the consumers really look forward to attending. And it helps build your pipeline as well.

As always, we appreciate and value your membership.

Respectfully:

Dave LeHotan  
Volunteer Executive Director



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Home Builders  
Association



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We wish you a Merry Christmas,  
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## LOTS & ACREAGE

### BRECKSVILLE

**8310 Settlers Passage:** This private 32-acres w/all utilities available at the street. Wooded entrance w/approx. 650' frontage, currently Zoned R-60 Single Family. Bring your own builder. **\$899,000. Matt Stouffer 330-814-4616, Gary Stouffer 330-805-6900.**

### HINCKLEY

**The Trails at Redwood Falls:** Located where old Skyland Golf Course was. Conservation development has 97 parcels, walking trails, club house & 5 lakes. City water & sewer. **Robin Pickett 330-322-3181.**

### KENT

**5036 SR 43:** Approx. 43 acres on SR 43. Zoned G-C General Commercial. Subject to new survey per Portage Co. Sewer/Water/Gas/Electric/Cable (Buyer's responsibility to verify accessibility, capacity, etc. on all utilities). **\$895,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.**

### MEDINA

**Blue Heron:** Just 1 lot left. Walking paths, pool and tennis courts. City water and sewer. **Maryanne Phillips 330-714-3393, Robin Pickett 330-322-3181.**

### MONTVILLE TWP.

**NEW Windfall Estates:** Highland Schools' newest fully improved residential development, Windfall Estates. Gorgeous wooded setting with walk out basement & cul-de-sac lots. Prices from the mid **\$400,000s. Robin Pickett 330.322.3181.**

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## NORTH CANTON

**8215 Arlington Ave NW:** Approx 74 acres in Jackson Township w/approx. 2,467' of frontage (on Arlington Avenue) and 1,377' deep on the North Side. Approx 1,000 ft. of frontage on Strausser Street. 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. Four car detached garage and storage outbuilding on property. **\$1,975,000. Gary Stouffer 330-805-6900, Sarah Halsey 330-268-0102.**

### RICHFIELD

Revere Schools

**4107 Brecksville Rd:** Approx 30.4 acres on Brecksville Rd. Beauty, privacy and space to roam, this property is the perfect place to call home. Soak in the peace of nature around you as you walk through your wooded lot, exploring its winding creek and ravines. Perfect for horses and ATVs alike. The rolling topography further in provides high ground for the possibility of a full walk out basement. Minutes from Rt. 77 and less than 30 minutes to downtown Cleveland. **\$388,500. Gary Stouffer 330-805-6900 & Sharon Holderbaum 330-349-2599.**

**3526 Brecksville Rd:** This commercial property is approx. 7.84 acres with frontage measuring approx. 238' and is close to I-77 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 and a peaceful stream/ravine running north/south through the property. This parcel

is zoned Office/Laboratory which comes with a variety of 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. **\$449,000. Gary Stouffer 330.805.6900 & Sharon Holderbaum 330.349.2599.**

### SHARON TWP.

Highland Schools

**7022 State Rd:** Approx. 6.5 acres total on State Rd. in Sharon Township. Zoned R-1. Beautiful, wooded area with rock ledges along northern border. Moving south the property rises to the crest of a hill with ideal homesite and expansive views. Approx. 2.10 acres available for **\$115,000** and the remaining approx. 4.4 acres for **\$145,000**. Simply beautiful! **Gina Luisi 330-814-4747 & Gary Stouffer 330-805-6900.**

### STREETSBORO

**8291 SR 14:** Gorgeous land on corner of OH14 and Diagonal Rd. This land has several spots to build your dream home. 2 large ponds and tucked back into the woods for privacy. Over 2,400' frontage, possibility of building multiple homes or doing a lot split to create multiple parcels. There is a 2-acre parcel w/frontage on Diagonal Rd. **\$555,750. Gary Stouffer 330-805-6900, Matt Stouffer 330-814-4616.**

**V/L SR 43:** Approx. 43.5 acres w/approx. 682ft frontage on State Rt 43 & approx 1600 ft frontage on Kennedy Rd, zoned Rural Residential. **\$499,000 OR 33.5 acres for \$399,000 OR 13 acres for \$105,000. Gary Stouffer 330-805-6900, Sharon Holderbaum 330-349-2599.**



# Member *News*

## *New Associate Member*

### **HHL Group, Inc.**

345 E. Washington Street

Medina, OH 44256

Contact: Laurie Price

Phone: (330) 721-1410

Web: hhlgroup.net

Sponsor: Mike Hudak

Business: CPAs & Business  
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## **WELCOME!**

## *Renewed Builders*

Art Graf Builders, Inc. –  
Wadsworth

Decor Design Construction, LLC  
– Seville

Sturgess Construction – Medina

## *Renewed Associates*

Mason Structural Steel – Walton  
Hills

Medina Glass Company – Medina

## *Renewed Financial*

Fifth Third Bank – Medina

## *Dropped Members*

Gene's Refrigeration, Heating & AC,  
Inc. – Medina

Mallard's Edge – Columbia Station



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EXECUTIVE VICE  
PRESIDENT'S COLUMN  
By Vincent J. Squillace, CAE  
Executive Vice President

## **OHBA HAS IT ALL**

We just completed our annual meeting of the board of trustees. The meeting began with a dinner for our past presidents. 20 former leaders of the association attended. In attendance were leaders from the 80's, 90's and into 2020. All share continuing strong support and appreciation of how the association has grown and continues as a strong, viable and effective advocate for the industry.

We also elected officers to oversee the activities of the association through next year. We will be led by Charles Ruma of Columbus. Our Vice President is Richard Bancroft of Akron, the newest officer is Enzo Perfetto of Cleveland. Ric Johnson of Lima will be an Area Vice President as well as our representative to our national affiliate, the NAHB. The remaining Area Vice Presidents are Merle Stutzman of Wayne County, Robi Simms of Dayton and Brad Olinger of Cincinnati. Immediate Past President Mark Zollinger continues as an officer as well.

Just a brief review of our leaders and their backgrounds depicts a great composite of the members of the industry. Urban and rural. Land developer and builder. Market builders and custom builders. Young and old. Sons of past presidents (even a grandson too). We are well prepared to work with seasoned as well as the young professionals entering and continuing to serve the association and the industry as a whole.

In coming months, you will hear and read much more of the many issues impacting your business as we move through the year. We will be forming a Foundation to promote the industry as an excellent career choice. On the global front, we have learned that some in the global warming front want to drastically limit the number of homes (single and multi-family) dramatically. And last, reach a point where all new residences (single and multi-family) achieve a net zero use of energy.

We are well suited to do our part to advocate on your behalf as the issues appear. You can help by assuring all of your fellow builders pitch in and join up. As you can see, we have the demographic of the industry seated and attentive to the needs of all. The challenges are real and the time to keep us strong and effective is now. This effort will take all in the industry to do their part.



# FINANCIAL FORECAST 2022

How do we  
prosper?

How do we  
compete?

What is the financial  
outlook for 2022  
and beyond?

What can we  
expect?



Wednesday,  
January 19, 2022  
Noon to 1:30 pm

@

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**Expert Forecast Speakers:**

**Bob Giacomo, Westfield Bank**

**Jim Owen, Fifth Third Bank**

## REGISTRATION:

**Builders FREE (RSVP required)**

**Members – \$25 | Non-Members – \$30**  
(includes lunch provided by Williams on the Lake)

**Lunch: “Soup and Sandwich”** - includes Deli Wrap;  
Tomato Bisque; fresh tossed salad, assorted cookies  
and brownies, coffee, water & soft drinks.

There is a boatload of economic uncertainty these days, especially when looking to the future and how best to take advantage of next year's building climate. As a member of the Medina County HBA, we make it easy for you. We are fortunate to have some of the finest financial and construction brains available to clue us in on what to expect in 2022 and beyond. It can positively impact the financial success of your business to learn what to expect, how that relates to the local construction industry, and how you can capitalize on that information to help your business thrive.

Remember, *failing to plan is planning to fail* so plan for your success by attending the 2022 Financial Forecast. It's truly a valuable membership benefit! Register today and be sure to bring your questions for the experts as well!

- **Registration required.** RSVP / register **no later than January 10th, 2022.**
- Register by email: [susanb@medinacountyhba.com](mailto:susanb@medinacountyhba.com)
- **Builders MUST RSVP to attend FREE.**
- **No shows will be charged.**

## Key NAHB Housing Issues

1. Resolving supply chain bottlenecks for lumber and other building materials is NAHB's top priority. We have taken our concerns to the highest levels of government – including the White House and Congress, but the fight is far from over.

2. NAHB is sharing its concerns with government officials about an impending emergency temporary standard from OSHA that would force companies with more than 100 employees to mandate COVID-19 vaccinations for their workers or conduct onerous weekly testing of workers who remain unvaccinated.

3. Democrats are hoping to pass President Biden's infrastructure and Build Back Better bills this month. NAHB supports the \$1.2 billion infrastructure package, which would make much-needed improvements to the nation's roads, bridges, broadband and public transportation network.

4. NAHB and Michigan home builders scored an important legal win on Sept. 28 which means that all Paycheck Protection Program loans for members can be forgiven.

5. The Supreme Court struck down the CDC eviction moratorium in late August. What many of you don't know is that nearly all NAHB members had

been exempt from the eviction ban since March 2021. And we continue efforts to ensure that our members have the tools to access any emergency rental assistance funding and assistance that is available.

6. The Environmental Protection Agency has declared that the pre-2015 "waters of the U.S." (WOTUS) regulations are now in effect. The regulated community faces significant regulatory uncertainty in light of this decision and NAHB continues to explore all options to limit this federal overreach.

7. Recruiting is the lifeblood of the Federation. Please participate in NAHB's "ONE in 21" campaign to recruit at least one new member this year.

## Addressing the Supply Chain Crisis

- Resolving lumber and other building material supply chain bottlenecks is the top priority for NAHB and we have taken our concerns to the highest levels of government.
- NAHB Chairman Chuck Fowke recently testified before Congress on how widespread disruptions in the building materials supply chain are hindering housing affordability and the broader economy.
- Fowke called on the Biden administration and Congress to take immediate action by:

- o Temporarily removing tariffs on Canadian lumber and other imported building materials, including steel and aluminum from China;
- o Alleviating bottlenecks at seaports that are preventing goods and materials from getting to market; and
- o Seeking solutions to persistent delays in truck and rail transportation to ease mass shortages that are putting upward pressure on material and home prices.
- NAHB sent a similar strong message in a recent letter to President Biden calling on the White House to take action on this critical issue.
- We told the president that he can "make substantial progress on housing affordability by working to reduce the cost of lumber and other building materials."
- Since the early days of the Biden administration, NAHB has been actively engaged with the White House on this issue. We held several meetings with top administration officials, Commerce Secretary Gina Raimondo and HUD Secretary Marcia Fudge.
- This ongoing dialogue culminated with a White House building materials summit in July that was organized by NAHB.
- And while lumber prices have fallen sharply since peaking in mid-May, prices have been moving upward in recent weeks.
- The price hikes are not limited to just lumber: According to the Bureau of Labor Statistics Producer Price Index, the average price of goods used as inputs to residential construction has risen three times

## 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!

*(Continued on next page)*



# Legislative

## NEWS



### NUMEROUS GROUPS JOIN OHBA IN SUPPORT OF HB 175

HB 175 had its second hearing for proponents in the Senate Agriculture and Natural Resources Committee. HB 175 would remove 'ephemeral features' from the definition of 'waters of the state'. OHBA's Executive Vice President, Vince Squillace, offered testimony focused on both the shortage of housing and developed lots in Ohio. In addition to OHBA, numerous groups also offered support including, The Ohio Chamber of Commerce, Ohio Realtors, Ohio Oil and Gas Association, Aggregates,

Coal Association, Associated General Contractors, and the Municipal League, among others. OHBA welcomes the array of proponents coming out for HB 175. Yesterday's hearing can be viewed at the link below.

<https://ohiochannel.org/video/ohio-senate-agriculture-and-natural-resources-committee-11-30-2021>

Even with the most recent Arizona Court ruling reinstating the pre-2015 WOTUS rules and definitions, bringing 'ephemeral streams' back under the jurisdiction of the Army Corp of Engineers, HB 175 remains an important vehicle in a very fluid, and uncertain future of how these and other water features will be defined and regulated.

OHBA continues to work with the sponsor, industry groups, and the Senate Committee.

Further, OHBA is also still involved with the ERAC appeal of the Ephemeral General Permit working through those negotiations, as well.

Feel free to contact OHBA with any questions. ■

*(OHBA November Talking Points – Continued from previous page)*

faster than the rate of core inflation throughout 2021.

- From steel mill products and plastic piping to copper pipe and wood windows and doors, prices are up dramatically year-to-date and are exacerbating the growing housing affordability crisis. Small home building firms are particularly threatened by the current situation.
- This is why NAHB continues to call on the administration and Congress to make it an important priority to address lumber and building material supply chain issues that are contributing to price volatility and harming housing affordability.

### Moving Forward

- Looking ahead, the NAHB advocacy team – Government Affairs, Communications, Economics and Legal – will continue to work doggedly to keep pressure on policymakers and industry stakeholders to ease production bottlenecks and protect housing affordability.
- We will explore all avenues in order to find solutions that will ensure a lasting and stable supply of lumber and other building materials for the home building industry at competitive prices.
- Learn more about what NAHB is doing by visiting our Addressing the Supply Chain Crisis page at [nabh.org](http://nabh.org).

### Vaccine Mandate

- On September 9, President Joe Biden announced a sweeping vaccine mandate.
- Central to the administration's plan is a requirement that every employer with more than 100 employees require the vaccine for its workforce.
- The OSHA rule DOES allow for weekly testing in lieu of vaccination.
- The mandate will be instituted and enforced through a new emergency

*(Continued on next page)*

## Professional Tools for our Members

The HBA has the professional business tools you need for home sales. The MCHBA Home Construction & Limited Warranty Agreement packages are available at the office for only \$35 each. Or if you have your own contract and you just need the Warranty, the warranty

and folder are available for just \$25. We encourage you to use these

tools for your protection, peace of mind and they make a great resource tool for your customers to keep all their pertinent home buying paperwork together.

Call the HBA office and order your professional tools today.



temporary standard (ETS) from OSHA, to be delivered in the coming weeks.

- The vast majority of home builders in the United States have fewer than 100 employees, so the mandate should not directly affect most NAHB members.
  - NAHB has been in contact with rulemaking officials and we have aired our concerns about the proposal.
  - NAHB noted that the residential construction industry is at a very low risk for COVID-19 transmission. Most work is performed outdoors, and the nature of indoor tasks allow workers to remain at least six feet apart.
  - NAHB also noted the voluntary industrywide campaigns in the construction industry to encourage vaccinations, such as Vaccine Awareness Week in Construction.
  - NAHB and its partners in the Construction Industry Safety Coalition (CISC) questioned the legal authority of OSHA to issue an ETS that requires vaccine mandates for workers.
  - An ETS is permitted only upon showing there is a “grave danger” from exposure to a hazard in the workplace and the ETS is immediately needed to address the hazard. OSHA cannot make this showing in the construction industry.
  - NAHB and CISC asked that the construction industry be exempt from the final ETS and that OSHA open the rulemaking to formal public comment.
  - At NAHB, we’re telling our members that they should remain flexible and ready to act when the ETS is issued and be prepared for change even after the rule is in place.
- Back Better bills this month, but the legislative timeline still remains unclear.
  - NAHB supports the \$1.2 trillion bipartisan infrastructure bill approved by the Senate and pending in the House. This package would make much-needed improvements to the nation’s roads, bridges, broadband and public transportation network.
  - The \$1.75 trillion Build Back Better legislative framework focuses more on social spending. It includes:
    - o Provisions to fight climate change,
    - o Provides universal pre-school for three- and four-year-olds,
    - o Extends the child tax credit,
    - o Expands Medicare, and
    - o Has other housing, health care and immigration provisions.
  - While House progressives now appear ready to move forward on both bills, House moderates are hesitant to move forward until they have assurances that Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) will agree to support the package.
  - The infrastructure bill, titled the Infrastructure Investment and Jobs Act, will help connect more Americans from their homes to their places of work and within their communities. It contains several provisions that will boost housing affordability:
    - o By including Sen. Manchin’s Energy Infrastructure Act, this legislation advances efforts to increase energy efficiency and reduce greenhouse gas emissions without stringent energy code mandates that will increase housing prices.
    - o The measure restores an exemption for water and sewer contributions in aid of construction that will save some developers as much as 40% on water and sewer costs.
    - o The bill also streamlines the federal permitting process, which will minimize uncertainty in the housing approval process

and make the homes that are built more affordable.

- Meanwhile, the Build Back Better Act includes 1,700 pages of legislative language. NAHB is carefully reviewing the draft to see how it would affect our members.
- Making the process more challenging is that the bill continues to evolve, with some provisions being removed from the package and others added. For example, Democrats are currently scrambling to nail down a compromise that would lower prescription drug costs, as well as provide relief on the \$10,000 cap on the federal deduction for state and local taxes, known as SALT.
- When the social spending and bipartisan infrastructure bills will pass remains an open question.
- But Democrats are in agreement that passing the infrastructure and Build Back Better packages are vital to advancing President Biden’s agenda and their chance of retaining control of Congress in the midterm elections.

### **NAHB Legal Win Means All PPP Loans for Members Can Be Forgiven**

- NAHB and Michigan builders scored an important legal victory that will enable all NAHB members who received Paycheck Protection Program (PPP) loans to have their loans forgiven.
- The court’s opinion also provides several important procedural wins that will benefit NAHB in a wide range of cases.
- At the height of the pandemic-induced economic downturn, Treasury and the Small Business Administration (SBA) imposed rules on the PPP that would exclude certain home building firms from receiving PPP loans or having them forgiven. Those left out in the cold included spec home builders, multifamily property owners and land developers.

*(Continued on page 12)*

### **Democrats Scramble to Pass Infrastructure, Build Back Better Bills**

- Democrats hope to pass President Biden’s infrastructure and Build





## **ATTENTION BUILDER MEMBERS**

EVENT DATES:  
**Saturday, April 30, 2022  
thru  
Sunday, May 15, 2022**

*Scattered Site Event  
Featuring New Homes  
& New Developments*

Plan now to  
participate and watch  
your email for more  
information.

- NAHB, along with the HBA of Michigan and HBA of Southeastern Michigan, filed a lawsuit so that all NAHB members could access PPP funds to help keep their business afloat.
- On Sept. 28, the U.S. District Court for the Eastern District of Michigan ruled in our favor, stating that the SBA wrongly applied eligibility criteria to the PPP.
- The victory ensures that NAHB members who received PPP loans will have their loans forgiven.
- The court's opinion will have a direct and tangible benefit for builders, developers, and property owners who are awaiting loan forgiveness.
- The court also ruled against the government's claim that NAHB lacks "standing" – which means that NAHB has a right to have our case heard in federal court.
- This decision effectively establishes favorable case law on procedural issues that the government and others often use to try and keep NAHB and its members out of court.

### **NAHB Members Exempt from CDC Eviction Moratorium Since March 2021**

- NAHB also registered another important legal win for the Federation earlier this year when a federal court in the Northern District of Ohio ruled in March that Congress did not provide the Centers for Disease Control and Prevention (CDC) with the authority to issue an eviction moratorium.
- NAHB had filed the lawsuit on behalf of our members. The legal victory meant that the CDC eviction moratorium has not applied to all NAHB members since March 2021 – but all other landlords nationwide had to comply with the CDC's eviction ban until the

Supreme Court overturned it on Aug. 26.

- These legal victories clearly illustrate the clout of NAHB and the value of membership.

### **Evictions Should be a Last Resort**

- And while NAHB members are not bound by the eviction moratorium, it doesn't mean they should or will be engaging in mass evictions.
- NAHB's multifamily members did not engage in mass eviction proceedings in March and today they understand that the eviction process is clearly the last option. Landlords are working diligently with tenants to help them apply for rental assistance and to offer payment plans.
- NAHB has actively advocated for emergency rental assistance to help renters and landlords impacted by the COVID-19 pandemic and to protect the viability and stability of the rental housing industry.
- Federal funds are available to assist renters. NAHB continues to urge members to seek access to the Emergency Rental Assistance Program (ERAP) through their local government and state housing finance agencies.
- While a large portion of the \$46 billion that Congress appropriated for emergency rental aid has not been disbursed, Treasury has announced new steps to help state and local governments to expedite aid to renters and landlords in need.
- However, the Treasury is now required by law to consider reallocating unused funds from ERAP that was passed by Congress in December 2020 to help renters and landlords who were affected by the COVID-19 pandemic.
- NAHB continues to advocate for effective solutions to expedite ERAP assistance to renters and housing providers.
- We strongly urge the Treasury Department and ERAP grantees to ensure this policy does not further delay ERAP applications in the

pipeline and create new confusion about where to apply for ERAP assistance.

### **Tools to Work with Tenants**

- Meanwhile, NAHB has provided our multifamily members a sample script that landlords can use to contact tenants and walk them through the steps to apply for assistance and/or request permission to apply on their behalf.
- The script, and other multifamily COVID resources, can be found on the Multifamily and Affordable Housing Resources for COVID-19 page on [nabh.org](http://nabh.org).
- The bottom line is that property owners understand that evictions should only be made as a matter of last recourse and will continue to do everything in their power to help their tenants to access rental assistance and/or to enter into a reasonable payment agreement.

### **EPA Reverts Back to Pre-2015 WOTUS Regulations**

- The U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers announced that as of Sept. 3, the agencies have "halted implementation of the Navigable Waters Protection Rule (NWPR) and are interpreting 'waters of the United States' (WOTUS) consistent with the pre-2015 regulatory regime until further notice."
- The action came after the U.S. District Court for the District of Arizona ruled in late August to remand and vacate the NWPR.
- This unilateral decision by the agencies -- without public input -- means that landowners must immediately follow the federal definition of WOTUS that existed prior to both the Trump and Obama administration's WOTUS rules.
- While the agencies reiterated their commitment to change the regulatory definition of WOTUS under the Clean Water Act (CWA) announced in June, that effort is

*(Concluded on page 16)*



# OSHA issues temporary emergency standard for Covid vaccination

The U.S. Department of Labor's Occupational Safety and Health Administration has announced a new Emergency Temporary Standard (ETS) to protect more than 84 million workers from the spread of the coronavirus on the job. Under this standard, covered employers must develop, implement, and enforce a mandatory COVID-19 vaccination policy, unless they adopt a policy requiring employees to choose to either be vaccinated or undergo regular COVID-19 testing and wear a face covering at work.

**Employers covered by the ETS** - The ETS generally applies to employers in all workplaces that are under OSHA's authority and jurisdiction, including industries as diverse as manufacturing, retail, delivery services, warehouses, meatpacking, agriculture, construction, logging, maritime, and healthcare. Within these industries, all employers that have a total of at least 100 employees' firm- or corporate-wide, at any time the ETS is in effect, are covered.

**Workplaces not covered by the ETS** - This standard does not apply to workplaces covered under the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors or in settings where employees provide healthcare services or healthcare support services when subject to the requirements of the Healthcare ETS (29 CFR 1910.502)

**Employees of covered employers not subject to the requirements** - The ETS does not apply to employees who do not report to a workplace where other individuals such as coworkers or customers are present, employees while they are working from home, or employees who work exclusively outdoors.

**Effective Dates** - The ETS is effective immediately upon publication in Federal Register (November 4, 2021). To comply, employers must ensure provisions are addressed in the workplace by the following dates: 30 days after publication: All requirements other than testing for employees who have not completed their entire primary vaccination dose(s); 60 days after publication: Testing for employees who have not received all doses required for a primary vaccination.

**Employer Policy on Vaccination** - The ETS requires covered employers to develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead establish, implement, and enforce a policy allowing employees who are not fully vaccinated to elect to undergo weekly COVID-19 testing and wear a face covering at the workplace.

**Determination of employee vaccination status** - The ETS requires employers to determine the vaccination status of each employee, obtain acceptable proof of vaccination, maintain records of each employee's vaccination status, and maintain a roster of each employee's vaccination status.

**Employer support for employee vaccination** - The ETS requires employers to support vaccination by providing employees reasonable time, including up to four hours of paid time, to receive each primary vaccination dose, and reasonable time and paid sick leave to recover from side effects experienced following each dose.

**COVID-19 testing for employees who are not fully vaccinated** - The ETS requires employers to ensure that each employee who is not fully vaccinated is tested for COVID-19 at least weekly (if in the workplace at least once a week) or within 7 days before returning to work (if away from the workplace for a week or longer). The ETS does not require employers to pay for any costs associated with testing. However, employer payment for testing may be required by other laws, regulations, or collective bargaining agreements or other collectively negotiated agreements. In addition, nothing prohibits employers from voluntarily assuming the costs associated with testing.

**Employee notification to employer of a positive COVID-19 test and removal** - The ETS requires employers to: (1) require employees to promptly provide notice when they receive a positive COVID-19 test or are diagnosed with COVID-19; (2) immediately remove any employee from the workplace, regardless of vaccination status, who received a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider; (3) keep removed employees out of the workplace until they meet criteria for returning to work.

**Face coverings** - The ETS requires employers to ensure that each employee who is not fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes, except in certain limited circumstances. Employers must not prevent any employee, regardless of vaccination status, from voluntarily wearing a face covering unless it creates a serious workplace hazard (e.g., interfering with the safe operation of equipment).

**Information provided to employees** - The ETS requires employers to provide employees the following in a language and at a literacy level the employees understand: (1) information about the requirements of the ETS and workplace policies and procedures established to implement the ETS; (2) the CDC document “Key Things to Know About COVID-19 Vaccines”; (3) information about protections against retaliation and discrimination; and (4) information about laws that provide for criminal penalties for knowingly supplying false statements or documentation.

**Reporting COVID-19 fatalities and hospitalizations to OSHA** - The ETS requires employers to report work-related COVID-19 fatalities to OSHA within 8 hours of learning about them, and work-related COVID-19 in-patient hospitalizations within 24 hours of the employer learning about the hospitalization.

**Availability of records** - The ETS requires employers to make available for examination and copying an employee’s COVID-19 vaccine documentation and any COVID-19 test results to that employee and to anyone having written authorized consent of that employee. Employers are also required to make available to an employee, or an employee representative, the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.

**Note:** This is a synopsis of the news release, fact sheets and other information provided on OSHA’s website on November 4, 2021. Further details and a full text of the final rule, along with policy examples and other resources including a recorded webinar can be found at OSHA’s website: <https://www.osha.gov/coronavirus/ets2>





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expected to take more than a year to complete.

- NAHB Senior Officers, members and HBA staff testified at a series of hearings throughout August to voice their support for retaining the NWPR and thereby avoid having the agencies revert back to asserting federal control over non-navigable and isolated wetlands, ephemeral streams, and roadside drainage ditches.
- The regulated community faces significant regulatory uncertainty in light of the agencies' decision, as sections of the pre-2015 rules have been found unlawful by the courts, and the guidance documents provided by the agencies have been superseded by more current guidance.
- NAHB is exploring all options to limit this federal overreach, as well as the challenges this reversion to the old rules will create. We will continue to keep members updated on further developments and provide additional guidance once it becomes available.
- Meanwhile, builders who have received, or are in the process of applying for federal wetlands permits or jurisdictional determinations, are encouraged to log onto [nahb.org/wotus](http://nahb.org/wotus) where they can access NAHB's guidance to frequently asked questions to help navigate the current landscape.

### Recruit and Retain 'ONE in 21'

- NAHB's "ONE in 21" campaign asks members to help recruit and retain at least one member this year.
- Membership matters, and everybody can make an impact. Visit the retention tips and resources web page to get started on your Retain ONE effort.
- You'll find sample outreach materials and advice from HBAs with top retention rates.
- Make a difference – be a part of "ONE in 21."

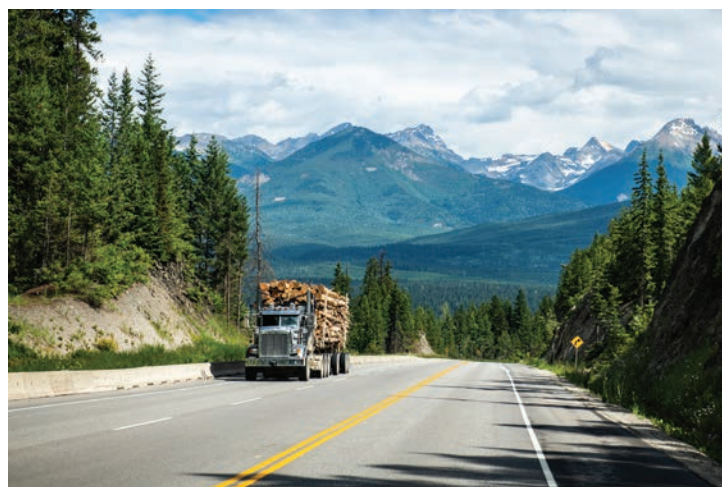


## NAHB Condemns Commerce Action to Double Tariffs on Canadian Lumber

In a blow to housing affordability and a move strongly opposed by NAHB, the Commerce Department today moved forward today with its next administrative review to double the tariffs on Canadian lumber shipments into the U.S. from 9% to 17.9%.

In response to the Commerce action, NAHB Chairman Chuck Fowke issued the following statement:

"With the nation in the midst of a housing affordability crisis, the Biden administration has moved to slap a huge, unwanted tax hike on American home buyers and renters by doubling the tariffs



on Canadian lumber shipments into the U.S. This is the worst time to add needless housing costs onto the backs of hardworking American families. Home builders are grappling with lumber and other building material supply chain bottlenecks that are raising construction costs. And consumers are dealing with rising inflation that is pushing mortgage interest rates higher.

"This decision undermines the historic funding commitment made to housing in the Build Back Better legislation and erodes efforts by Commerce Secretary Raimondo and other Biden administration officials to tackle the lumber and building materials supply issues plaguing the industry. Doubling the tariffs will only exacerbate market volatility, put upward pressure on lumber prices and make housing more expensive. Rather than placating China and Europe with sweetheart trade deals, the White House needs to change course and move immediately to engage with our Canadian partners on a long-term solution to the trade dispute that will end tariffs and help restore price stability to the lumber market."





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