HOME BUILDER

Dallas Builders association

www.DallasBuilders.org



October 2021 **VOLUME LXVIII**

Dallas BA's Industry **Investors for 2021**

















BRIEFLY

Casino Christmas is returning this year! FACETS Appliances, Kitchens & Baths will host this popular event on Dec. 2 at their showroom in Dallas. Enjoy Vegas style gaming, a photo booth, poker tournament, ugly sweater contest, margaritas, a DJ, awesome food and more. Members are encounraged to make Casino Christmas their annual employee holiday event. Stay tuned for details or visit DallasBuilders.org.

Members interested in serving on an NAHB committee or council board of trustees in 2022 can apply now through Oct. 31. NAHB committees and councils meet during the Spring and Fall Leadership Meetings and at the International Builders' Show to discuss legislative and regulatory news, business updates, and other issues of importance to NAHB members and the broader industry. The application can be found at NAHB.org/ NAHB-Community/Leadership-

It's not too late to advertise in the 2022 Membership Directory, which is being published by E&M Consulting. Email info@ dallasbuilders.com for a rate sheet with contact information.

and-Committees

Frank Murphy honored with Prather Award

The Dallas Builders Association has awarded the 2021 Hugh Prather Trophy to Frank Murphy of Wynne/ Jackson Inc. The award is the highest honor bestowed by the Dallas BA and has been presented annually for the past 71 years to a builder, remodeler or developer member who has done the most for the betterment of the community and the industry as a whole.

The 2021 presentation was made during the Association's Sept. 25 Installation of Leadership held at The Texas Barn at Circle T Ranch in Westlake and presented by Hillwood Communities and StrucSure Home Warranty.

The award was named for the Association's first president, Hugh Prather, in hopes that his principles would serve as a guide for future generations of builders. It is not meant to be simply a "Builder of the Year," but something more that reflects credit to the building industry.

Past recipients include homebuilding icons such as Dave Fox, W.W. Caruth Jr., Bob Folsom, Fred Roach, Kent Conine, Tommy Ford, N.D. Hopkins and Harold Pollman, among others.

2020 Prather recipient Mi-

chael Turner of Classic Urban Homes presented the award. Frank Murphy has been a member of the Dallas BA for the past 25 years and served as its president in 2015. He is extremely active on the local, state and national levels of the Association.

He currently serves on NAHB's Leadership Council, NAHB's Land Development Committee, NAHB's Audit Committee, TAB's Finance Committee, TAB's Planning Committee, TAB's Land Developers Committee, and the Dallas BA's Finance and Government Relations Committees.

Murphy was recognized for his perseverance in helping to get several priority bills passed. "One of our largest accomplishments this most recent legislative session actually built upon a very significant win from the prior session," said presenter Michael Turner. "Two years ago, we were able to significantly reduce the reach and effective interest rate on roll back taxes for raw land, saving some developers more than \$1 million. This year we were able to eliminate that interest altogether. This would not have been possible without the tireless efforts and wisdom of Frank Murphy."



2020 Hugh Prather Award honoree Michael Turner, right, presents the prestigious trophy to Frank Murphy of Wynne/Jackson during installation ceremonies held Sept. 25 at The Texas Barn at Circle T Ranch.

Andrew Pieper Installed as President

Outgoing Association President Matt Mitchell, left, presents the official symbol of office to 2021-22 President Andrew Pieper of Hillwood Communities. who was installed as the Dallas BA's 79th President during ceremonies held Sept. 25.

Summit will tackle state of development, regulatory challenges

The Dallas BA's annual State of the Industry Summit returns to Venue Forty|50 this fall. Presented by Hotchkiss Insurance, it will be held Tuesday,

Registration with breakfast provided courtesy of StrucSure Home Warranty, will begin at 8:30 a.m. The program will get underway at 9 a.m.

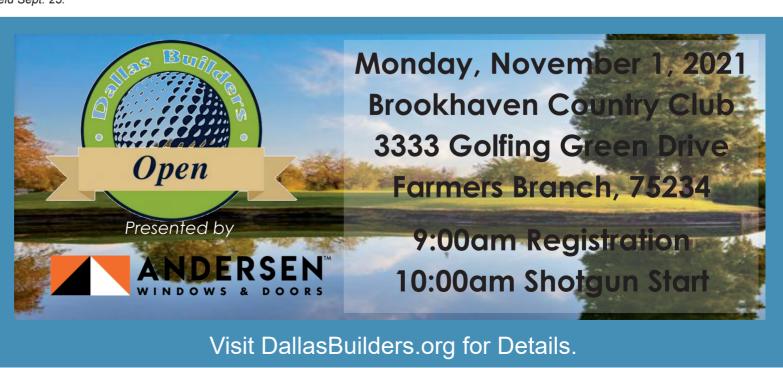
The Summit will provide a glimpse into the region's current residential construction industry and examine the distinct challenges and opportunities anticipated in North Texas.

The Summit intends to include a panel discussion from some of the area's at DallasBuilders.org.

top builders and land developers. Panelists will address how they are keeping up with a historic lot shortage, rising material prices, a labor shortage and ever-changing local regulations.

The second part of the event will focus on the national landscape for housing in the wake of recent sweeping Congressional legislation. Specifically, it will delve into what these recent actions mean for the housing industry.

More details will be announced in Punch List and on the website as special guests are confirmed. Be sure to register for this well-attended event



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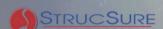


The Summit will feature a panel discussion from some of the area's top builders and land developers. Panelists will address how they are keeping up with a historic lot shortage, rising material prices, a labor shortage and ever-changing local regulations. The second part of the event will focus on the national landscape for housing in the wake of recent sweeping Congressional legislation. Specifically, it will delve into what these recent actions mean for the housing industry.

> Venue Forty | 50 4050 Belt Line Rd Addison, TX, 75001

November 10, 2021

8:30 - 9:00am Registration & Breakfast Courtesy of



9:00 - 11:30am Program

Dallas BA Members: \$25 Non-Members: \$35

Register at www.DallasBuilders.com/calendar





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BARCIE VILCHES, Editor

The HomeFront -Gov't Affairs News and Info

Members Should Be Aware of Recent Municipal, Federal Regulatory Movement

Municipal Advocacy

The city of Forney held a public hearing on Aug. 30 to consider a 120day moratorium on applications and plans for development for single-family and multifamily residential developments within the town's corporate city limits. The restriction would have applied to those submittals filed on or after Sept. 2, 2021, and would have included permits, plats, verifications, rezoning site plans and new or revised certificates of occupancy.

However, the motion to move forward with the ordinance failed at City Council on a split vote. The impact of the vote carried over to the city's Sept. 2 Planning & Zoning Commission meeting where the ordinance, scheduled for a public hearing with the commission, was not brought forward.

Prior to the Aug. 30 hearing, Dallas BA submitted a letter to the city council and staff opposing the proposed ordinance questioning both the appropriateness and lack of evidence in the ordinance's incorporated findings, which are required by state law.

Over the past year, Dallas BA has weighed in with multiple cities who attempted such a moratorium, whether it be related to single-family or multifamily development. In two cases, the municipality used what we view as inadequate findings to justify a moratorium.

Chapter 212 of the Texas Local Government Code details what may be claimed as iustification for attempting a moratorium on property development.

If a city is basing a moratorium on the shortage of essential public facilities, written findings must include evidence demonstrating not only the extent of need beyond the estimated existing capacity that is expected to result from new property development, but also a detail of each essential public facility that is operating near, at or beyond capacity. The portion of that capacity that is committed to development subject to the proposed moratorium must be cited. There should also be information regarding the impact fee revenue allocated to address facility need, as well as evidence demonstrating that the moratorium is limited to areas of the municipality where a shortage of essential facilities would otherwise occur. The statute defines essential public facilities to mean water, sewer or storm drainage facilities or street improvements provided by a municipality of private utility.

A moratorium that is not based on a shortage of essential public facilities is only allowed by demonstrating a significant need for other public facilities. This requires written findings to include, among others, evidence demonstrating that the local entity's existing development regulations and other laws are inadequate to prevent the new development, subject to the moratorium, from causing overcapacity and be detrimental to the public health, safety and welfare of an affected area.

Dallas BA's letter pointed out that using a moratorium to give a city additional time to update a comprehensive master plan is impermissible.

With the International Code Council's release to the 2021 cycle of construction codes, including the residential, energy conservation, plumbing, mechanical and fire codes, Dallas BA has been heavily engaged in the regional amendment process through are participation on the North Central Texas Council of Governments' Regional Codes Coordinating Committee (RCCC). The committee, and its advisory boards (subcommittees), makes an in-depth review of the codes and makes recommendations for amendments that are adopted by many of the DFW region's municipalities.

The RCCC is comprised of area municipal officials, including building inspectors, and industry stakeholders. With an effort to provide reasonable amendments that better fit the region, the committee's drafting process began in early 2021 and is almost complete. A final vote should occur this month. This includes amendments to the International Energy Conservation Code that should provide for energy efficient building, while limiting the expected increase to construction costs.

Builders and developers should also pay close attention to recent regulatory changes and decisions coming from Washington, as well as the courts.

The U.S. Department of Labor (DOL) has announced that its Occupational Safety and Health Administration (OSHA) has expanded enforcement on heat-related hazards. OSHA's new initiative "prioritizes heat-related interventions and inspections on work activities" on days when the heat index exceeds 80 degrees. The initiative applies to indoor and outdoor worksites, including construction and general inDavid Lehde Director of Government **Affairs**



dustry. OSHA has also issued a notice of proposed rulemaking, launching its process to develop a federal heat stan-

Dallas BA urges members to continue emphasis on their safety plans. The Texas Association of Builders offers a model jobsite safety plan that can be purchased by builder members at TexasBuilders.org.

Not long after the Biden Administration announced its intention to redraft the Waters of the U.S. rule, the U.S. Court for the District of Arizona ruled to remand and vacate the Navigable Waters Protection Rule (NWPR), the regulatory definition for WOTUS finalized under the Trump Administration. Following the court's decision, the Environmental Protection Agency (EPA) and the U.S. Army of Corps of Engineers (USACE) released a joint statement halting the implementation of the NWPR, announcing they are now "interpreting the 'waters of the United States' consistent with the pre-2015 regulatory regime until further notice.'

NAHB has advocated that the agencies reconsider their decisions, pointing to the problems that arose with pre-2015 WOTUS rule, including use of a nexus text to determine federal jurisdiction over non-navigable features such as roadside drainage ditches and isolated ponds. The NWPR corrected this type of federal overreach, eliminating the significant nexus test and not including federal jurisdiction over waters that only form in response to a rainfall, while still providing protection for critical waters that have a surface connection to traditional navigable waters. The NWPR was in line with the Clean Water Act's legislative history and prior Supreme Court rul-

Developers should consider the agencies' recent action in relation to their projects.

Contact the Director of Government Affairs regarding Association advocacy efforts.

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Installation of Leadership held Sept. 25





(Above) Senior officers take the oath of office during the Sept. 25 Installation of Leadership. From left are Associate Vice President Phil Smith; Treasurer Stephen Puckett. Vice President/Secretary Adam Lingenfelter and First Vice President John

(Left) President Andrew Pieper of Hillwood Communities is sworn into office by his wife, Morgan Pieper.



Andrew Pieper congratulates Executive Officer Phil Crone for having reached the 15-year milestone anniversary with the Dallas BA.







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Phil Smith accepts the 2021 Clyde Anderson Associate of the Year Award on behalf of FACETS Appliances, Kitchens & Baths. This award is bestowed annually to the Dallas BA associate member who provides exemplary service to the Association and its members and to the home building industry as a whole. FACETS is an Industry Investor and was one of the first members to step forward to help rebuild Association offices after last February's winter storm. They have also hosted the Association's monthly Board of Directors meeting and will host the Dallas BA's Casino Christmas in December.

Mistress of Ceremonies Amy Vanderoef presents the Shorty Howard Trophy to the 2021 top membership recruiter, Christopher Clay with 2-10 Home Buyers Warranty. He has been active in the home building industry for more than 15 years. "It's important to me to help others in our industry be aware of the value the Dallas BA offers and how big of an advocate the BA is on a local and state level," he explains. "It's a





Industry Investor representatives accept thank you gifts during the Sept. 25 Installation of Leadership. From left are Matt Robinson, BGE; Kevin McLain, DuPont; Tiffany Acree, StrucSure Home Warranty; and Phil Smith, FACETS Appliances, Kitchens & Baths. Industry Investors who were not able to attend the event were Atmos Energy, Fox Energy Specialists, Hotchkiss Insurance Agency and James Hardie Building Products. Industry Investors support the Association at an extraordinary level.



Kevin McLain of DuPont, right, presents the 2021 Designee of the Year Award to Donny Mack, CGR, CAPS, CGP, GMB, of Mack Professionals/Beaver Builders during Installation of Leadership ceremonies.

Donny Mack honored as **Designee of the Year**

Presented by OUPONT

Donny Mack of Mack Professionals/Beaver Builders has been named the Association's Designee of the year. Award Presenting Partner Kevin McLain of DuPont made the announcement at Sept. 25 Installation of Leadership ceremonies held at The Texas Barn at Circle T Ranch.

"Donny has advanced his education and those of his peers by dedicating time and talents to the Education Committee to develop and create a diverse program," stated McLain.

Donny holds the CGR, CAPS, CGP and GMB certifications. His dedication to education also includes mentoring and instructing industry professionals as a nationally recognized master instructor. This is an honor that is shared by only 12 other individuals.

Mack is a past National Association of Home Builders Graduate Master Builder of the Year and has twice been honored as the Dallas BA's Designee of the Month.

He has served on the National Board of Governors for the Certified Graduate Remodeler program for more than 10 years and has chaired the National Certified Aging-in-Place Specialist Board of Governors.

His career highlights in both the NAHB and the local Dallas BA are extensive. They start as early as 1999, when he became involved

US Assure

locally with the Association's Education Committee, and he has stayed consistent throughout his career and is involved in the local, state and national levels of the industry.

Donny's company, Beaver Builders, is steeped in generational character and tradition in the way it has developed its core business.

"We pride ourselves on having a moral compass," said Mack. "Doing what is right is far greater than doing what makes the bottom line heavy. The customer is the focus, and meeting their every need is at the top of that priority list.'

Beaver Builders' attention to quality and pursuit of excellence is in line with the outreach they perform both internally and externally. This is seen in the way the company gives not just money, but time to rewarding efforts.

"We are always striving to improve our systems and product," Donny stresses. "Education embracement is a key to the success of any

Mack was the 2019 recipient of the Hugh Prather Trophy, the highest honor bestowed by the Dallas BA.

He served as president of the Association in 2008, as well as president of the Greater Denton Division and chairman of both the Education and Government Relations Committees. He is a Green Built Parade of HomesTM builder and a long-time supporter of the Boy Scouts of America.

Mack served as the Builder Captain for the Association's HomeAid project to build a facility for victims of domestic abuse for the Denton County Friends of the Family.

He also assisted the Denton ISD in the design and criteria for the LeGrone Advanced Technology Complex, a state-of-the-art technology center that provides high school students with professional training to prepare them for tomorrow's highdemand careers. Mack built an energy efficient ICF home and donated net proceeds to the Technology Complex.

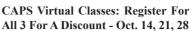
As president and CEO of Beaver Builders, Donny says he feels he should lead his business by example. His approach to education is no different; he's a firm believer of gaining skills that help him succeed in everything he does. He is no stranger to formal education, having more than six years of coursework at the collegiate level. (He holds an associates degree in science and a bachelor of business administration degree.)

"This, combined with his 30+ years in the homebuilding and remodeling industry, made Donny Mack an obvious choice for recognition as the 2021 Designee of the year," said McLain.

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Upcoming Classes: October & November



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Thursday, October 14 - CAPS I-Marketing & Communicating with the Aging-In-Place Client (CAPS, CGA, MASTER CSP)

Thursday, October 21 - CAPS II - Design Concepts for Livable Homes and Aging-In-Place (CAPS)

Thursday, October 28 - CAPS III - Details & Solutions for Livable **Homes and Aging-In-Place (CAPS)**

Class one instructor: Donny Mack, CAPS, CGP, CGR, GMB, with Beaver Builders/Mac Professionals.

NAHB honors the top national instructors with the distinction of Master Instructor, Donny is one of 12 individuals who have earned this title. He has been remodeling homes for over 35 years and building new homes for over 20 years.

Donny's company, Beaver Builders, has performed remodeling projects from basic bath remodels to whole house renovations and built homes from the low \$90's to \$1 million plus. His commercial projects range from pharmaceutical clean rooms to hospital renovations.

Donny's formal education includes an associate's degree in science from Frank Phillips Jr. College, a B.B.A. in strategical management from the University of North Texas, and two years of marketing courses from Texas Tech University.

Class two instructor: Tim Lansford, CGB, GMB, CGR, CGP, CAPS, CGA, CSP, CMP, MASTER CSP, MASTER CGP, MIRM with Blast Seminars & Luxury Homes of Texas

Presented by STRUCSURE

Tim Lansford is a veteran homebuilder, remodeler and real estate broker with 25+ years in the industry. He has over three decades of applied leadership experience spanning multiple industries. Tim is a speaker at residential construction industry events, including The International Builders' Show®. He also conducts regular educational sessions for the National Association of Home Builders.

Class three instructor: Tag Gilkeson, CAPS, CGA, CGB, CGP, CGR, CMP, CSP, GMB, Master CGP, Master CSP with Tag & Associates, LLC

Tag Gilkeson has been in the real estate and construction industry for over 20 years. He has focused on increasing his skills through education for the last two decades. This has culminated with him having completed three college degrees that include two within the industry: construction management and architectural drafting and design. Tag also has attained more certification through NAHB than anyone in the country, 11 in total. A past ARC Awards winner, he designs homes in all price ranges and various square footages with his largest exceeding 15,000 square feet.

Compensation & Rewards That Inspire Top Performance - Building a Better Business - Nov. 6

The most powerful influence on culture is compensation. This course will teach you how to build compensation programs that support your desired culture. We will discuss why most commission-based comp programs fail and the power and impact of making team members feel like owners.

Rich is on a mission. His purpose and passion are focused on one single objective - to help business owners create a Radically Engaged Team and unlock the power that only comes from having team members who are passionately committed to the long-term success of the business.

Prior to becoming a small business advisor in 2007, Rich was an officer in the U.S. Army and held executive positions with both Texas Instruments and Pella Corporation. Rich holds a B.S. in Accounting from Arizona State University and an MBA in International Business from the University of Texas at Dallas.

Date: November 6, 2021 Time: 10:00 am - 11:00 am Cost: \$25 Member / Non-Member: \$35 Instructor: Rich Allen

Visit DallasBuilders.org/ continuing-education to view a series of on-demand

webinars created for members.

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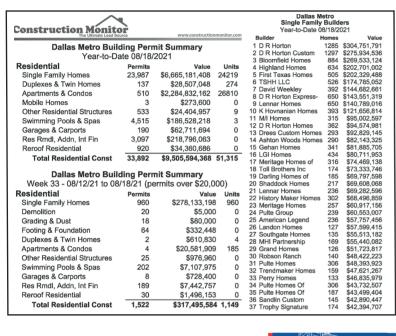








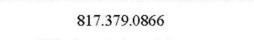












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New construction contracts essential for builder members

Protection offered by TAB's Residential Contracts Package is more important than ever due to supply chain upheaval, rising material costs and evolving court precedent. The 2021-23 contract revisions, now available for purchase and download by builder members, constitute some of the most significant changes in more than a decade.

These modifications include:

- Disclosure Provisions;
- Materials Escalation Clause;
- Termination by Builder Procedures:
 - Arbitration Provisions;
 - Insurance Requirements; and
 - Construction Costs Definition.

"If you don't use these contracts in these uncertain times, odds are you are not adequately protecting your business," said Dallas BA Executive Officer Phil Crone. "Courts in major markets such as ours are becoming less favorable. Also, plaintiff's attorneys are trying to involve homeowners' children in personal injury claims in order to sidestep arbitration," he added.

TAB's Residential Contracts Package is available for \$399.99 (plus tax). This purchase covers any subsequent updates that may occur between now and Aug. 31, 2023.

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Atlas Custom Builders Nick Forsell 972-800-8423 **BUILDERS - RESIDENTIAL** Spike: Cory Stone, Ultimate Choice Luxury Homes

Drew Walling Custom Homes Drew Walling 214-718-3739 **BUILDERS - RESIDENTIAL**

Jim Benson Custom Homes Inc. Jim Benson **BUILDERS - RESIDENTIAL** Spike: Joe Chamberlain, Caprock Custom Construction, Inc.

Kirlin Custom Homes Mike Kirlin 972-423-8751 **BUILDERS - RESIDENTIAL** Spike: Kristen Martin, Ferguson Bath, Kitchen & Lighting Gallery

Landmark Structural Builders Shawna Guevara 254-245-2358 **BUILDERS - MULTIFAMILY**

Legacy Oak Homes **Edward Carel** 214-210-8566 **BUILDERS - RESIDENTIAL**

N3 Luxury Living Dennis Jaglinski 972-471-8700 **BUILDERS - MULTIFAMILY**

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Rausch Coleman Homes Corey Perry 479-455-9090 **BUILDERS - RESIDENTIAL** Spike: Chris Clay, 2-10 Home Buyers Warranty

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SUSTAINING ASSOCIATE

RAM Windows Robert Andersen 469-520-7866 WINDOWS

Spike: Joshua Correa, Divino Homes

ASSOCIATES

Advantage Alliance Program David Nylec 469-823-2895 HVAC

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West Quartz Jason Nottestad 469-215-8393 **KITCHEN**

Jesus Fajardo 469-920-5058 SITE PREPARATION/MANAGE-**MENT**

Zeus Demolition and Haul

Spike: Donnie Evans, Altura Homes

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Milestone Anniversaries



Advanced Concrete Surfaces - 30 Years Linda Sutherland accepts the

Milestone Anniversary Award on behalf of Advanced Concrete Surfaces, LTD, which has been a continuous member of the Dallas BA for 30 years.

FACETS Appliances, Kitchens & Baths -20 Years

Phil Smith of FACETS Appliances, Kitchens & Baths receives the company's 20-year Milestone Anniversary Award.



Rescom Fire Systems, Inc. - 20 Years

Rescom Fire Systems, Inc. was recently recognized for 20 years of continuous membership in the Association. Accepting the award is Matt Leach.

Nationwide Gutter LLC/KCG

Construction, Inc. Texas Lighting Sales

15 Years

75 Years Oncor Electric Delivery

60 Years

Gold Star Distributors Inc

45 Years Pella Windows and Doors

25 Years

Burgess Construction Consultants

20 Years

Millenia Homes MHI (Denny Garrett)

Statewide Trucking Corp 10 Years

Balance Energy LLC dba Dupure

5 Years

Attaway Homes Escalante Concrete Texas, Inc. Main Street Lumber/Main Street Millwork (Aaron Park) Therma-Tru/FYPON

Milestones Presented by:



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Proven in the Pacific Northwest, its patented tapered edge holds the line on all four edges. A proprietary blend of resins and waxes blocks moisture, meaning sub-floors go down flat and stay that way. Engineered for strength, durability, overall performance, and backed by our 1-year no-sand guarantee, nothing can hold you back.

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