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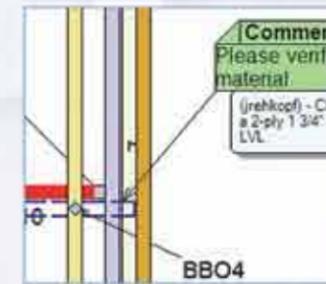
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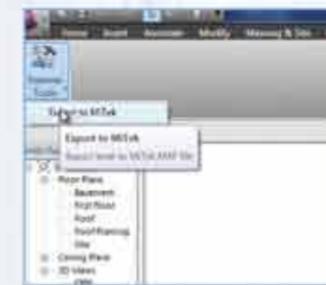
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STRUCTURAL BUILDING COMPONENTSTM

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by Sean D. Shields

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The mission of *Structural Building Components Magazine (SBC)* is to increase the knowledge of and to promote the common interests of those engaged in manufacturing and distributing structural building components. Further, *SBC* strives to ensure growth, continuity and increased professionalism in our industry, and to be the information conduit by staying abreast of leading-edge issues. *SBC's* editorial focus is geared toward the entire structural building component industry, which includes the membership of the Structural Building Components Association (SBCA). The opinions expressed in *SBC* are those of the authors and those quoted, and are not necessarily the opinions of Truss Publications or SBCA.

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Editor's Message

Addressing the Barriers to Housing Recovery

by Joe Hikel

Is help on the way
to free up financing?

Here we sit one year into the economic recovery, yet the home building industry is struggling with painfully small incremental gains. What's going on? One of the most significant barriers to a full-bore housing recovery is the lack of available credit. In fact, it's a major problem that has significant impact on many of us. As it happens, Congress is considering a bill to address the problem and hopefully get financing flowing to developers and builders.

In early May, the Home Construction Lending Regulatory Improvement Act of 2011 (H.R. 1755), co-sponsored by Rep. Gary Miller (R-CA) and Rep. Brad Miller (D-NC), was introduced into Congress. The same day it was introduced, I went to Capitol Hill with friends from the industry for the SBC Legislative Conference to talk about the bill with our members of Congress. I met with my legislators, Representative Roscoe Bartlett (R-MD), and Senators Benjamin Cardin (D-MD) and Barbara Mikulski (D-MD), and urged them to consider cosponsoring this important measure.

In a nutshell, the bill establishes new guidelines for banks to provide acquisition, development and construction loans, known as AD&C loans, to builders and developers. This issue is particularly important to my company because many of the builders we work with have not been able to secure financing for large-scale, multi-family projects.

Ever since several large financial institutions collapsed in 2008, it appears many banks have tried to purge all AD&C loans from their books. In some cases, banks are calling these loans due, and builders are doing what they can to pay them off to avoid defaulting. To add insult to injury, they have also made it extremely difficult for developers to qualify for construction loans. Banks don't want to lend to developers that are using raw land as collateral because they don't believe the land values have stabilized.

This bill directs banking regulators to issue new guidance to banks regarding AD&C loans. First, it will direct bank regulators to no longer obstruct lenders from granting credit to builders. One key is to discontinue using the 100 percent capital lending limit as a permanent rule, but rather to use that limit as a guideline as it was originally intended. Second, the bill will provide additional guidance to regulators on how banks should evaluate lending applications. The measure will require lenders to weigh projects based on their value at the time they are completed, as opposed to discounting the project value based on predetermined liquidation rates.

Finally, the legislation will stop lenders from calling existing AD&C loans due when builders are adhering to the payment requirements of the loan. This change in guidance will hopefully slow the rate at which developers are forced to "liquidate" their assets, generally below cost, in order to pay for an AD&C loan the bank unexpectedly decides to collect on.

Getting a chance to meet the two lawmakers sponsoring this bill the night before we went on the Hill was a powerful experience. For the two of them, this was not new territory. When the Democrats controlled the House, Rep. Brad Miller sponsored a similar bill, which passed out of the House but never came up for consideration in the Senate. Now that the Republicans are in control, Rep. Gary Miller is trying to tackle the problem once again using the same approach. It was interesting to get

Continued on page 8

at a glance

- Lack of available credit for building projects is a major barrier to the home-building industry's recovery.
- Congress is considering a measure to address this barrier in the Home Construction Lending Regulatory Improvement Act of 2011 (H.R. 1755).
- SBCA Legislative Conference attendees had the good fortune of being on Capitol Hill the same day the bill was being introduced.

Editor's Message

Continued from page 7

their perspectives, as federal lawmakers, on the problems facing housing finance, and hear how they hope to address it through this legislation. The bill has a long way to go before it has a chance to become law, but it was pretty neat to be there at the beginning of the journey.

To read more about SBC Industry Policy on housing finance, go to page 16. Go to thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.1755; to view the bill. **SBC**

SBC Magazine encourages the participation of its readers in developing content for future issues. Do you have an article idea for a future issue or a topic that you would like to see covered? Email your thoughts and ideas to editor@sbcmag.info.

••• Readers Respond

We received a lot of positive feedback from readers about an article in the April issue regarding a component manufacturer's product defect negligence lawsuit. While this is not the industry's first escape from a negligence or breach of warranty finding as a result of proper risk management procedures, it's a very timely lesson for us. As SBCA Legal Counsel Kent Pagel explains in "Important Legal Trends for 2011" (page 12), the building industry is in another litigious cycle. Many of you pointed to the moral of the story: That the value of providing SBCA Jobsite Packages with all component orders cannot be overstated.

••• "We received the latest *SBC Magazine* and found the 'CM Found Not at Fault in Negligence Case' article very interesting and informative. Without a doubt, the testing provided by SBCA via SBCRI has saved the industry from a huge black mark against it and has without a doubt, set a precedent. Congrats on a job well done."

—Dennis Metiva • Mid Michigan Truss & Components LLC • Saginaw, MI

••• "Thanks for writing the article in the April 2011 issue entitled 'CM Found Not at Fault in Negligence Case.' It was very rewarding to see that the component manufacturer was found not guilty. In a time when everyone seemingly wants someone else to accept their own responsibility for their own actions, I hope this is a sign that some common sense is returning to the world.

"The industry has been preaching this 'duty to warn' for many years. Over eight years ago, the industry set a goal of providing easy to understand recommendations to installers to prevent accidents like this. The framers of the world, for some unknown reason, still fail to read the documents provided and rely on 'the way we've always done it' standards to 'properly' brace trusses. Even if only half of the recommended bracing was done, there would be fewer accidents.

"It is always a matter of lowest cost or bid. Unfortunately, the GC rarely cares about the bracing because, if an issue arises, he has protected himself with insurance from his subcontractor. The GC and the framer need to be continually educated about bracing and it continues to be a great challenge. Cases such as this might be a valuable lesson learned for any GC or framer. I'd recommend that any component manufacturer provide it in a mailing to its customers."

—Scott Arquilla • Alpha Construction Company • Hazel Crest, IL • 2003 SBCA President

••• "Thank you for spotlighting how Heartland Wood Products won its case using SBCRI and the SBCA Jobsite Package. I will reference the article and case as I work with insurance companies to provide insurance for SBCA members. Thanks!"

—Richard Langton • Bowermaster and Associates • Cypress, CA

If you haven't done so already, we urge you to read the article and share it with risk management personnel in your company. View it at sbcmag.info/jobsite. Contact Eric Monson (emonson@qualtim.com) for a sample SBCA Jobsite Package.



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by Jim Vogt, P.E.

Get a better understanding of the terminology used in the building code.

Wood structural panels are often used with structural components such as trusses to provide the structural decking for the floors and roofs. Familiarity with the terminology used with wood structural panels can help component manufacturers communicate better with architects, engineers, contractors and installers. The following is an example of a term used in the building code that defines the maximum strength direction for wood structural panels.

Question

What is meant by the term strength axis when referring to wood-based panels?

Answer

The *strength axis* (also called *major axis*) is the direction parallel to the grain of the wood fiber in the face and back surfaces of the panel. This is generally the long dimension of the panel, unless the markings on the panel indicate otherwise.

Wood structural panels such as oriented strand board (OSB) and plywood are manufactured with layers (i.e., “veneers” for plywood) in which the wood fibers in one layer are oriented at approximately 90 degrees to the wood fibers in the adjacent layer. This “cross-banding” helps equalize internal strain, reduce splitting, minimize warping and improve the dimensional stability of the panels.

Wood is strongest in the direction parallel to grain. Because of this, the strength and stiffness properties of wood structural panels are greater in the direction parallel to the strength axis than perpendicular to it (see Figure 1). This is easily seen by comparing the load a panel can carry when oriented with its strength axis perpendicular to and parallel to the support framing.

Table 1 provides the allowable uniformly distributed load that selected sheathing grade span rated panels can support when installed with their strength axis perpendicular to and parallel to support framing at the given on-center spacing. The far right column provides the ratio of allowable load for strength axis perpendicular/strength axis parallel. The table indicates that most sheathing grade panels can support at least 2-1/2 times the amount of load when installed with their strength axis perpendicular to the support framing than with the strength axis parallel to the framing.

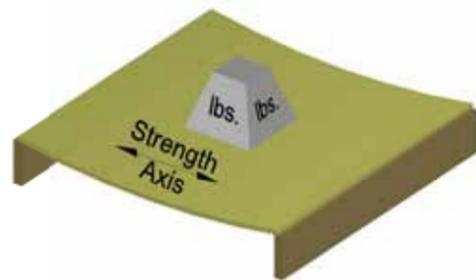


Figure 1. Graphic of section of wood structural panel installed with its strength axis perpendicular to the supports. The bending stresses produced by the load are acting parallel to the strength axis.

at a glance

- The strength axis of a structural panel is the direction parallel to the grain of the wood fiber in the face and back surfaces of the panel.
- The strength axis is usually the long dimension of the panel.
- The IBC provides two tables with the allowable spans and loads (psf) for wood structural panel sheathing installed continuous over two or more spans with their strength axis perpendicular and parallel to the supports.

Table 1. Allowable uniformly distributed load for selected sheathing grade^{1,5,6}

Nominal Panel Thickness (in)	Span Rating	Spacing of Supports, center-to-center (in)	Allowable Load (psf)		Ratio of Strength Axis Perpendicular Load/Strength Axis Parallel Load
			Strength Axis Perpendicular to Supports ²	Strength Axis Parallel to Supports ³	
7/16	24/16	16	110	50	2.2
15/32	32/16	24	80	25	3.2
1/2				30	2.67
19/32	40/20	24	140	50 ⁴	2.8
5/8	55 ⁴			2.54	
23/32 & 3/4	48/24	185	65 ⁴	2.85	

1. Assumes panels are continuous over two or more spans and at least 24" wide.
2. Support of panel edges perpendicular to the framing not required for the panel to support the uniformly distributed load with the corresponding framing spacing.
3. Support of panel edges perpendicular to the framing required. Panel edge support may include tongue-and-groove edges, panel edge clips (one between each support, except two between supports 48 inches on center), lumber blocking or other.
4. Reduce load by 15 psf for composite and four-ply plywood.
5. Allowable loads per Tables 10 & 11 of TECO's *Design & Application Guides*.

Table 2304.7(3) of the 2009 International Building Code® (IBC®) provides the allowable spans and loads (psf) for wood structural panel sheathing and single floor grades installed continuous over two or more spans with their strength axis perpendicular to the supports. Table 2304.7(5) provides the same information for sheathing grade panels installed with the strength axis oriented parallel to the supports. Since most structural wood panels are installed with their strength axis perpendicular to the supports, Table 2304.7(3) is typically referenced. However, it is important to realize that the stiffness and strength of wood structural panels is lower when the panels are installed with their strength axis parallel to the supports. Some common applications in which this can occur include the ends of a hip roof and the rake ends of a gable roof. Building designers and framers should be aware of this and take appropriate measures to account for the lower strength and stiffness. Common solutions include adding additional framing to reduce the span of the panels, or specifying a panel with a larger span rating for the entire roof. **SBC**

TABLE 2304.7(3)
ALLOWABLE SPANS AND LOADS FOR WOOD STRUCTURAL PANEL SHEATHING AND SINGLE-FLOOR GRADES CONTINUOUS OVER TWO OR MORE SPANS WITH STRENGTH AXIS PERPENDICULAR TO SUPPORTS^{a,b}

SHEATHING GRADES		ROOF ^c				FLOOR ^d
Panel span rating roof/floor span	Panel thickness (inches)	Maximum span (inches)		Load ^e (psf)		Maximum span (inches)
		With edge support ^f	Without edge support	Total load	Live load	
16/0	3/8	16	16	40	30	0
20/0	3/8	20	20	40	30	0
24/0	3/8, 7/16, 1/2	24	20 ^g	40	30	0
24/16	7/16, 1/2	24	24	50	40	16
32/16	15/32, 1/2, 5/8	32	28	40	30	16 ^h
40/20	19/32, 5/8, 3/4, 7/8	40	32	40	30	20 ^{h,i}
48/24	23/32, 3/4, 7/8	48	36	45	35	24
54/32	7/8, 1	54	40	45	35	32
60/32	7/8, 1 1/8	60	48	45	35	32
SINGLE FLOOR GRADES		ROOF ^c				FLOOR ^d
Panel span rating	Panel thickness (inches)	Maximum span (inches)		Load ^e (psf)		Maximum span (inches)
		With edge support ^f	Without edge support	Total load	Live load	
16 o.c.	1/2, 19/32, 5/8	24	24	50	40	16 ^h
20 o.c.	19/32, 3/4	32	32	40	30	20 ^{h,i}
24 o.c.	23/32, 3/4	48	36	35	25	24
32 o.c.	7/8, 1	48	40	50	40	32
48 o.c.	1 1/32, 1 1/8	60	48	50	40	48

- For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kN/m².
- a. Applies to panels 24 inches or wider.
 - b. Floor and roof sheathing conforming with this table shall be deemed to meet the design criteria of Section 2304.7.
 - c. Uniform load deflection limitations 1/160 of span under live load plus dead load, 1/240 under live load only.
 - d. Panel edges shall have approved tongue-and-groove joints or shall be supported with blocking unless 1/2-inch minimum thickness underlayment or 1 1/2 inches of approved cellular or lightweight concrete is placed over the subfloor, or finish floor is 3/4-inch wood strip. Allowable uniform load based on deflection of 1/360 of span is 100 pounds per square foot except the span rating of 48 inches on center is based on a total load of 65 pounds per square foot.
 - e. Allowable load at maximum span.
 - f. Tongue-and-groove edges, panel edge clips (one midway between each support, except two equally spaced between supports 48 inches on center), lumber blocking or other. Only lumber blocking shall satisfy blocked diaphragm requirements.
 - g. For 1/2-inch panel, maximum span shall be 24 inches.
 - h. Span is permitted to be 24 inches on center where 7/8-inch wood strip flooring is installed at right angles to joist.
 - i. Span is permitted to be 24 inches on center for floors where 1 1/2 inches of cellular or lightweight concrete is applied over the panels.

TABLE 2304.7(5)
ALLOWABLE LOAD (PSF) FOR WOOD STRUCTURAL PANEL ROOF SHEATHING CONTINUOUS OVER TWO OR MORE SPANS AND STRENGTH AXIS PARALLEL TO SUPPORTS (Plywood Structural Panels Are Five-Ply, Five-Layer Unless Otherwise Noted)^{a,b}

PANEL GRADE	THICKNESS (inch)	MAXIMUM SPAN (inches)	LOAD AT MAXIMUM SPAN (psf)	
			Live	Total
Structural I sheathing	7/16	24	20	30
	15/32	24	35 ^c	45 ^c
	1/2	24	40 ^c	50 ^c
	19/32, 3/8	24	70	80
	23/32, 3/4	24	90	100
Sheathing, other grades covered in DOC PS 1 or DOC PS 2	7/16	16	40	50
	15/32	24	20	25
	1/2	24	25	30
	19/32	24	40 ^c	50 ^c
	5/8, 23/32, 3/4	24	45 ^c	55 ^c
		24	60 ^c	65 ^c

- For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kN/m².
- a. Roof sheathing conforming with this table shall be deemed to meet the design criteria of Section 2304.7.
 - b. Uniform load deflection limitations 1/160 of span under live load plus dead load, 1/240 under live load only. Edges shall be blocked with lumber or other approved type of edge supports.
 - c. For composite and four-ply plywood structural panel, load shall be reduced by 15 pounds per square foot.

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Important Legal Trends for 2011

by Kent J. Pagel

Look for additional tips about these legal topics coming your way in *SBC Magazine Industry News Top Headlines*.

served as the mantra of builders and contractors. Increased cycle time will turn out to be a primary contributor of poor quality. The boom has also been a factor in the decrease of property values and homeowners are more inclined to sue for defects when their largest asset is now worth less than what they paid and quite possibly less than what they owe. Expect to see the lawsuits filed within 10 years of the date of substantial completion as many states, including California and Florida, have a 10-year statute of limitations for latent construction defects. Look for tips coming your way if your company is faced with a construction defect suit in *SBC Magazine Industry News Top Headlines*.

Coming Lumber Price Volatility—How to Minimize Your Risks When Pricing Trusses & Components to Your Customers. What is wrong with this image? You are finally bidding again on a regular basis, sales are closing, and margins are improving. Anxious to maintain your momentum, you bid an upcoming subdivision or apartment project and the customer promptly accepts by issuing a purchase order. The purchase order inconspicuously states your price is good for the duration of the project. Or the customer sits on your bid for awhile and months later sends you a purchase order with the same caveat. In both situations, as you either are making deliveries or waiting for the project to proceed to the point of taking delivery of trusses, there is a drastic run-up in your cost of lumber. The customer is not amused when you ask for a truss price increase, and points to the fixed price language in the purchase order. You thought things were bad when there was no business—what if your raw material costs double during the course of a particularly large project?

There are many language alternatives to consider that can mitigate this type of risk. This language can be included in your bid form and terms and conditions of sale or can be used when negotiating your customer's purchase order or material supply agreement. For examples, check out Module 11 in the *Bidding and Terms and Conditions of Sale* track of ORisk.

Partnering with a Former Lumberyard Competitor—a Risk Management Perspective. For the past few years you may have bit your lip each time you thought about the large lumberyard competitor around the corner selling framing packages including trusses and components. Well, the competitor landscape has changed! Now many lumberyards no longer produce trusses and may again serve as a strong customer base for independent component manufacturers. While the profits may not be as good selling a lumberyard, the risks may be far more manageable. For example, the risk of not getting paid is generally far less with a lumberyard (although we have seen a number of lumberyards file Chapter 11 in the past few years). And

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So much has changed in just a few short years for component manufacturers supplying single and multi-family residential construction projects. It's no surprise that the legal landscape we face while operating our businesses in this volatile market has changed as well. As you refocus to take advantage of opportunities as the housing market recovers, I encourage you to consider these legal trends.

More Construction Defect Lawsuits Headed Your Way—Adding Insult to Injury. In my opinion the construction boom of the early to mid-2000s will be followed by increased construction defect lawsuits. Poor construction is a primary reason. During the boom everyone and everything was building homes, apartments and condominiums—repeat after me: Inexperience = Poor Construction = Lawsuits. Cycle time rather than quality

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Important Legal Trends for 2011

Continued from page 12

while they may ask for a prompt payment discount, they will never ask for you to accept retainage. Lumberyards furthermore generally do not impose one-sided terms and conditions of sale on truss suppliers as you can expect from large single family builders and commercial contractors.

Contractor or Employee? It is risky to hire an individual as a contractor as opposed to an employee, especially when that contractor is solely dependent on your company's business for their livelihood. True independent contractors typically have multiple clients, determine if they will do the work themselves, or use one their employees or subcontractors to complete the job. They pay income taxes on income paid to them and payroll taxes on the compensation paid to their employees. In short, there is significant risk for any "independent contractor" working full-time at your business or using your company's equipment or supplies, and doing the same work as your W-2 employees.

What are the risks? This will depend on which federal or state agency is investigating and potentially trying to reclassify your independent contractors as employees. If the U.S. Department of Labor becomes involved, you may become responsible for payment of minimum wages and overtime. In other words, an independent contractor found to be an employee who worked more than 40 hours a week must be paid overtime as well as any penalties assessed. Your state workers' compensation agency, upon an investigation, may render the contractor an employee requiring payment of additional premiums and possibly penalties. The IRS through some kind of audit might very well fine you for failing to withhold income taxes and matching FICA.

The federal government and effectively every state is currently looking for additional tax revenues as they watch their expenses rise and tax revenues fall. Thus, through legislation¹ and regulation if they can render an independent contractor an employee, this is an attractive alternative to generate new tax revenue as they can capture income taxes that the contractor is not otherwise paying. To give you an example of this trend, the U.S. Senate recently introduced a bill that puts independent contractor misclassification back in the forefront of the national labor and tax agenda. Undeterred that two misclassification bills introduced in 2010 never made it out of committee, the sponsors are trying to drum up bipartisan support for their bill by characterizing this type of misclassification as a form of "payroll fraud." While these bills have not yet become law, it's something to watch.

Know What Your Liability Insurance Policies Cover When Renewing.

Insurance can be an invaluable resource for a component manufacturer facing a construction defect lawsuit or arbitration claim. While it is essential to properly notify your insurance companies of a newly filed lawsuit or arbitration claim (consult with your legal counsel and broker to make sure this is done properly), properly identifying your policies and giving notice SHOULD NOT be the end of the story. It is quite common for insurance companies to respond to construction defect lawsuits by either outright denying coverage or by reserving rights to deny a particular claim while they hire the lawyers to defend you and restrict the hourly rates paid to these lawyers and also require that they comply with strict billing guidelines designed to minimize the cost of defense to be paid by the insurance companies.

As indicated above, look for future tips on dealing with insurance companies both at the pre- and post-loss stages in future publications of *SBC Magazine Industry News Top Headlines*.

If Your Company Has Been Sued in Arbitration—Let Us Know about Your Experience.

It seems like every week I hear about a new horror story regarding arbitration—e.g., the arbitration process from A to Z took was "far too long"; the process was "extremely expensive"; the arbitrator(s) failed to follow the law; "I've learned the hard way that arbitration is not subject to any kind of appeal"; and "insurance companies seem less inclined to pay what they owe when defending an arbitration claim." I want to keep each of you informed of developments concerning arbitration and how to minimize negative outcomes—but I need your help! Let me know about your experiences. Email me at kpapel@pdhlaw.com. **SBC**

¹ See *Bill Would Target Independent Contractor Misclassification*, September 16, 2010, www.dcemploymentlawupdate.com

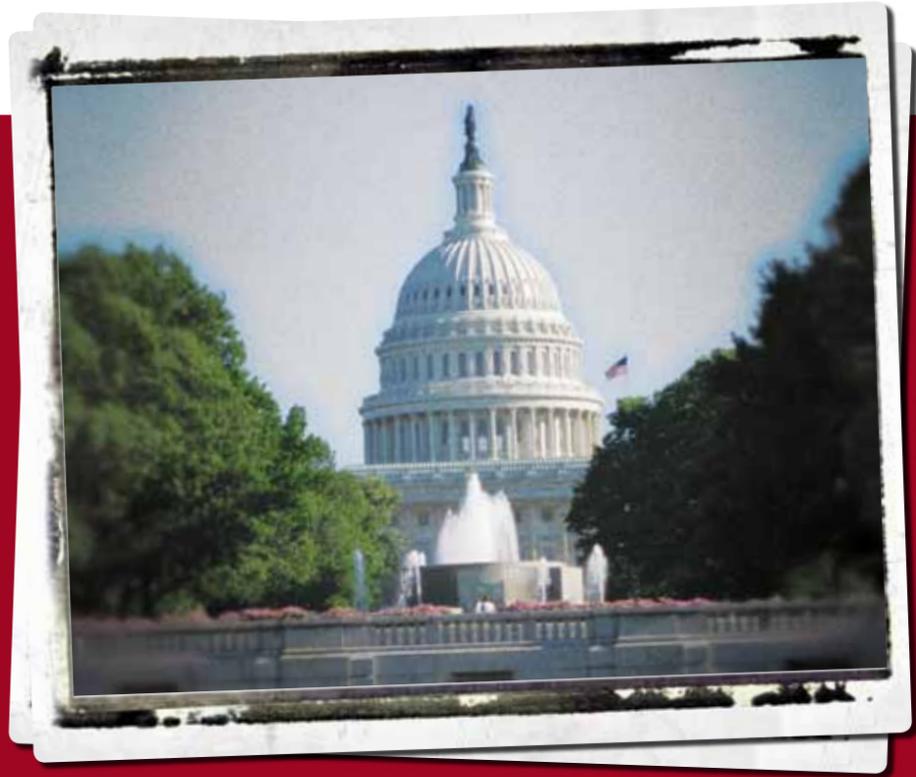
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CONFERENCE RECAP & TALKING POINTS

Building Powerful Connections

by Sean D. Shields



A contingent from SBCA sat down with OSHA representatives to discuss the latest fall protection issues affecting the industry. See **Parting Shots** on page 22 for more information.

In stand-up comedy, timing is everything. Bringing an issue before Congress works much the same way. If you present your stance on an issue too early, lawmakers and their legislative assistants will look at you with confusion evident on their faces. If you present your views on an issue after they've already addressed it, you fail to engage them in a meaningful conversation. However, if you present a problem just as they are beginning to hear it from other sources as well, you can hook them just the way a good one-liner can.

Fortunately, this year our timing on Capitol Hill could not have been more perfect. During the week leading up to the 11th Annual SBC Legislative Conference in Washington, DC, participants asked their U.S. Representatives via email to consider becoming original cosponsors of a bill aimed at addressing the lending crisis currently facing the residential construction industry. A lawmaker can only be considered an original cosponsor if they agree to sign on to the bill before it is introduced.

That work paid off. When Representatives Gary Miller (R-CA) and Brad Miller (D-NC) introduced the *Home Construction Lending Regulatory Improvement Act of 2011* (H.R. 1755) a week later (on the day component manufacturers and suppliers hit the Hill) they had 32 original cosponsors. Five of them were lawmakers contacted by the manufacturers and suppliers who attended the conference.

Talking to lawmakers the day the bill was introduced was also very beneficial. It allowed us to help the bill's sponsors hit the ground running and begin building support immediately. Combined with the strong bipartisan support of the original cosponsors (20 Republicans, 12 Democrats), our industry's efforts should help get this important legislation on the calendar more quickly for a committee hearing.

Both of the Millers came to speak to conference participants the night before our industry's visits to the Hill, and shared their views on why this legislation is so important, and what our industry can do to help support its passage. Encouraging cosponsorship of the bill is a good first step, but much more work will need to be done over the summer months to grow support among members of the U.S. House. Look for ongoing updates on this legislation as it progresses through the legislative process and consider getting involved!

Another great way to build support for this issue, and others important to your business, is to invite your U.S. Representative to come and take a tour of your manufacturing facility when they are back home. Having your lawmaker as a captive audience in their district is one of the most effective ways to build a relationship with them.

Read on to find out more about the issues component manufacturers brought to Capitol Hill this year and what they mean to you and your business.

HOUSING FINANCE

SBC Industry Position:

The structural building components industry manufactures many products used in residential construction, and as a result plays an important role in the promotion of home ownership and the growth of affordable housing. We urge Congress to address lending barriers currently hampering the growth of the residential and light commercial construction industry.



Residential & Light-Commercial Production Lending:

This was the premier issue component manufacturers took to Capitol Hill this year. Few would argue that the lack of availability and access to land acquisition, land development and home construction loans, known as AD&C loans, is the single biggest challenge facing the residential and light-commercial construction industries.

If you're reading this, it's likely you know of small- and medium-sized residential and light-commercial builders in your marketplace that are finding it very difficult to obtain credit for viable construction projects. While Federal bank regulators maintain that they are not encouraging institutions to stop making loans, the lenders themselves are citing regulatory requirements or bank examiner pressure to shrink their AD&C loan portfolios as reasons for their restrictive actions.

Fortunately, there appears to be a solution that may begin to address this problem. The day members took to Capitol Hill to talking with their lawmakers, Representatives Gary Miller (R-CA) and Brad Miller (D-NC) introduced the *Home Construction Lending Regulatory Improvement Act of 2011* (H.R. 1755). This bill directs the banking regulators to issue new guidance in three key areas:

- Cease implementing a 100 percent capital bank lending limit for AD&C loans as a "hard" limit, and utilize the 100 percent of capital guideline as it was intended;
- Use "as-completed" values when assessing the collateral of residential AD&C loans they intend to fund to completion and use "arms-length transactions" standards when assessing new loans;
- Abstain from compelling a lender to call or curtail AD&C loans where the home builder is current in making payments in accordance with the loan documents.

Government-Sponsored Enterprises:

While building support for this important piece of legislation, component manufacturers and industry suppliers argued that the federal government should continue to provide support to the housing finance system through government-sponsored enterprises (GSEs) like Fannie Mae, Freddie Mac and the Federal Home Loan Bank System, to ensure the flow of housing credit remains reliable and affordable.

While these institutions may have contributed to the questionable lending spree that exacerbated the housing bubble and eventual collapse, they argued Fannie Mae and Freddie Mac should not be converted to govern-

Continued on page 18



Glenn Traylor (ITW Building Components Group) had the opportunity to meet with two representatives from his home state of North Carolina—top: Rep. David Price (R-4th district), bottom: Rep. Renee Ellmers (R-2nd district).

ment agencies, nor should their functions be completely turned over to the private market. Their quasi-governmental status provides significant benefits, as well as security, that should be maintained.

Bottom line to Component Manufacturers:

Unless the lending process becomes less bureaucratic, and more readily available to home builders, it is likely our industry's struggles will continue. Contact your lawmakers today and encourage them to support the Home Construction Lending Regulatory Improvement Act of 2011.

TAX POLICY

SBC Industry Position:

The residential construction industry, of which we are an integral part, is still struggling to recover. As Congress discusses ways to increase efficiency in the tax code, it is vital Congress avoids increasing taxes on homeowners. Doing so would further hamper the construction industry recovery and have a detrimental impact on long-term economic growth.



Mortgage Interest & Real Estate Tax Deduction:

Most of the lawmakers our industry visited indicated Congress is consumed primarily with the task of addressing the federal budget deficit. Within this debate, it appears there are no "sacred cows," meaning any federal expenditure or revenue stream was potentially a target for change. With that in mind, component manufacturers pointed out that the residential and light-commercial construction industry accounts for roughly 20 percent of the nation's gross domestic product (GDP). It follows that hindering growth in this sector will have detrimental effects on the rest of the economy.

Within the budget battle, our industry argued that the mortgage interest deduction, and the business deduction for interest expense that investors in rental housing claim, are cornerstones of our nation's housing policy. Including the ability of homeowners to deduct local real estate taxes paid, these tax policies provide significant financial incentives that encourage home ownership.

These deductions are primarily beneficial to the middle-class. Almost 70 percent of the benefits of the mortgage interest deduction, and 77 percent of the real estate tax benefits, are claimed by those earning less than \$200,000. As a share of household income, these deductions have the greatest benefit for those aged 18 to 35, as well as for larger families. Component manufacturers made a strong case that eliminating or changing these tax policies would have an immediate, negative impact on housing prices and raise the after-cost debt burden for homeowners.

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Low Income Housing Tax Credit (LIHTC):

In addition to personal tax deductions, our industry argued that certain corporate tax credits are also important. One of the most effective tax code measures to promote rental housing is the LIHTC. Created in 1986, it has encouraged private-public partnerships to build affordable rental housing.

According to 2009 data from the U.S. Census Bureau, 40 percent of total renters are paying at least 35 percent of their household income toward rent. By most Federal housing program standards, these households are considered rent burdened. Obtained through state housing agencies, LIHTCs provide a pathway to raise private equity at a lower cost, which make it possible to offer below-market rent.

Few federal lawmakers could argue with the outcomes of this program. The LIHTC added approximately \$6.8 billion in income and created 90,000 new full time jobs per year across all U.S. industries—generating \$2 billion in federal tax revenue. The LIHTC is currently producing approximately 75,000 new apartment homes annually, and since its inception, the LIHTC has produced more than 2 million affordable rental units. No other workforce housing program has been as successful as the LIHTC in producing safe, quality, affordable rental housing.

Bottom line to Component Manufacturers:

The tax policies discussed above are important to preserve the affordability of home ownership in this country. While it is important for the government to take control of budgetary spending, significantly altering these policies will enact a tax increase on all homeowners and have an overall negative impact on the economy.

IMMIGRATION REFORM

SBC Industry Position:

As the housing industry recovers, we expect that the structural building components industry will need to begin hiring employees to meet the growing demand. Our industry has significant concerns with regard to protecting employers from unfair hiring burdens due to an unworkable immigration system.



Immigration System Broken:

Although you don't hear as much about it in the national media, illegal immigration is still a significant problem. In 2009, roughly 29 percent of immigrants residing in the United States were here illegally. Further, the Pew Hispanic Center estimates a net increase of 700,000 illegal immigrants annually. As component manufacturers visited with their lawmakers, they stressed the point that the availability of forged citizenship documents makes illegal immigration a more significant problem for employers because it is very difficult to determine who is eligible for legal employment.

Reform Needed Now:

As the economy continues to improve, the issues surrounding immigration will again become pronounced. That is why our industry argued strongly on Capitol Hill that now is the time to address the broken immigration system. Reforms enacted today will have a lesser impact due to the smaller population of immigrants currently residing or applying for residence compared to the first half of the last decade.

Continued on page 20

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Representatives Gary Miller (R-CA) and Brad Miller (D-NC), authors of the *Home Construction Lending Regulatory Improvement Act of 2011* (H.R. 1755), came to speak to conference participants the night before our industry's visits to the Hill. They shared their views on why this legislation is so important, and what our industry can do to help support its passage.

Within that reform, component manufacturers argued Congress needs to provide tools for employers that are easy to use to ensure compliance with the law, and shield employers who use the system from liability if they have done all they can to comply. Employers should not be expected to act as agents on behalf of immigration services. Further, manufacturer's argued that Congress should provide additional pathways to legal immigration, which will further increase home purchases and related sales, and provide for further economic expansion, all while ensuring U.S. employers can meet ongoing employment demands.

Bottom line to Component Manufacturers:

Our nation's immigration system is broken, and as the nation's economy improves, these flaws will create significant problems once again. It is important for Congress to realize that new immigrant populations represent more labor available for the jobs our country needs to fill, a greater need for housing to be built and additional taxes collected to help our governmental solvency issues. In short, Congress should adopt comprehensive reforms that fix immigration positively, and look out for the best interests of all involved.

TRADE POLICY

SBC Industry Position:

An unfortunate aspect of current U.S. trade policy is that countervailing and anti-dumping duties have been imposed with no consideration of the adverse impact on us as buyers, or on the overall housing market.

Further, future restrictive trade policies may put U.S. consumers at a significant competitive disadvantage versus overseas markets.



Canadian Softwood Lumber:

The dispute between the U.S. and Canada over importation of softwood lumber has been going on for over 100 years, and it's not going to go away any time soon. The problem stems from the fact U.S. softwood lumber producers alone cannot meet domestic demand. Currently, Canadian softwood lumber imports account for 30 percent of construction lumber used in the U.S. However, the Canadian provincial governments have provided financial subsidization of their forestry industry, much like our own government supports farmers.

As a consequence, the current seven-year agreement between the two countries has been punctuated by three petitions for arbitration. One case was resolved in favor of the U.S., one case is pending, and a third was recently filed by the U.S. Trade Representative's Office. It is clear that if a lasting solution is not found, protectionist U.S. trade policies will be put in place and will have a negative impact on our industry.

International Competition:

To further complicate matters, off-shore markets threatened to provide stiff competition for Canadian lumber. At its peak, a

large portion of Canadian softwood lumber exports were to the United States (38 percent), primarily for use in residential construction. The collapse of the U.S. housing market led to significant declines in overall Canadian softwood lumber exports.

However, that overall decline was mitigated by a significant increase in exports to China. For example, from 2008 to 2009, Canadian softwood lumber exports increased 78 percent. From 2006 to 2010, the value of British Columbian softwood lumber exports to China increased ten-fold, from \$65 million to \$668 million. The threat of future restrictive U.S. trade policies is encouraging Canadian provinces to seek out other offshore markets, shifting the supply demand equation for the US market in material ways.

That is why component manufactures went to Congress asking for their help. Only a long-term solution will allow U.S. companies the ability to compete in their marketplaces on a fair and equitable basis, and ensure they have an adequate and fairly-priced source of raw material.

Bottom line to Component Manufacturers:

*With the threat of protectionist U.S. trade policies around the corner, combined with a soft residential construction market, Canada has begun looking to China and other off-shore markets to sell its timber. Unless the U.S. seeks a long term solution to this trade dispute, domestic consumers like us will likely once again suffer the consequences of unpredictable supply and the resultant lumber price fluctuations. Lumber supply could be one of the bigger issues our industry faces in the next five years. **SBC***

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Parting Shots

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As of June 16, OSHA intends to begin enforcing residential fall protection guidelines first put in place in 1994. The change comes from a 2010 decision to lift a set of interim guidelines OSHA imposed in December 1995.

This change in policy and enforcement will have a significant impact on residential construction. The interim compliance policy, in place since December 1995, permitted employers engaged in certain residential construction activities to use specified alternative procedures instead of conventional fall protection. These alternative procedures could be used, "without a prior showing of infeasibility or greater hazard, and without a written, site-specific fall protection plan." In essence it took the teeth out of the original rule. With a return to the original standard, OSHA will allow the use of a fall restraint system in lieu of a personal fall arrest system. OSHA explains in the announcement, "a fall restraint system may consist of a full body harness or body belt that is connected to an anchor point at the center of a roof by a lanyard of a length that will not allow a worker to physically reach the edge of the roof."

This creates a serious concern for the structural building components industry, given that the anchor point of choice for most framers will be the peak point of roof trusses. In fact, OSHA even states explicitly in its announcement that, "fall restraint systems can be used effectively to prevent falls by tethering workers to structural members, such as braced trusses and studs." Further, OSHA encourages the use of personal fall restraint systems in situations in which it might be problematic to use personal fall arrest systems.

During a meeting with OSHA's Directorate of Construction at the recent SBC Legislative Conference, members and staff hashed through a set of collaboration objectives to clarify residential fall protection guidelines and amend the B11 Summary Sheet, *Fall Protection & Trusses*, to provide more thorough recommendations to framers working with structural building components. There will be particular emphasis on how to set the first few trusses without the ability to easily tie off during the installation process.

The positive outcome from the meeting is that SBCA staff is working with OSHA representatives to publish a comprehensive approach to setting, bracing and sheathing the first group of roof trusses consistent with OSHA's residential fall protection requirements. In the meantime, the true challenge of providing fall protection is demonstrated by these stick framers at a jobsite in the Midwest. **SBC**

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