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**Annual Clambake
is almost here!**

The Rhode Island Builders Association's 63rd Annual Outing & Clambake is slated for Friday, August 9th, and ticket prices are as low as ever. There's still time to get in on a day of food, fun and networking, and you can still become a sponsor!

Page 2 and back cover

**'Boot Camps'
for contractors
coming to RIBA**

In cooperation with Andersen Corp., RIBA is hosting a series of five free "Boot Camps" for contractors on basic business subjects this fall. Members and non-members are welcome.

Pages 7 and 8

**RIBA Golf Classic
is Sept. 23**

Don't miss RIBA's 22nd Annual Golf Classic at the Wannamoisett Country Club! All proceeds will benefit Builders Helping Heroes.

Page 7

Be a member!

It's one of your best business bargains this year! See the membership application in this issue.

Page 20

Supreme Court ruling shakes up land-use exactions

Industry hails decision that strengthens property rights.

By Paul F. Eno and the National Association of Home Builders

Local requirements that builders and developers pay for unrelated community improvements or mitigations might have to be re-evaluated in the light of a July decision by the U.S. Supreme Court.

see EXACTIONS...page 27

Permit extension signed into law

Lawmakers pass six major bills affecting the industry.

By Paul F. Eno Editor

Expiration dates for approved permits have been extended until July 1, 2015, thanks to the "tolling" or permit-extension legislation proposed by the Rhode Island Builders Association, passed by the General Assembly and signed into law by Gov. Lincoln D. Chafee in early July.

"This legislation eases what could have been a crippling financial burden in a slow market: Having to re-engineer and re-apply for permits and approvals if a development could not have been completed by the original expiration date," explained RIBA Executive

Director John Marcantonio.

The bill will extend permits for another two years based on a formula available at the Dept. of Environ-

mental Management (DEM) website: www.dem.ri.gov/programs/benviron/water/permits/tolling.htm.

see LAWS...page 29

In a good cause



Meeting up at the Rhode Island Builder's Association's PAC fundraiser at Waterplace Restaurant in Providence on June 6th are, from left, Michael L. DeCesare of DeCesare Building Co., Inc.; RIBA General Counsel Christine Engustian, Past RIBA President Robert A. Cioe of C.O. Construction, and RIBA Chief Lobbyist Joseph W. Walsh. Story on page 12.

RIBA clambake is almost here!

WHEN: Friday, August 9th, noon to 7 p.m.

WHERE: Francis Farm, Rehoboth, MA 02769

COST: \$38 each for the first 200 people, \$65 or less thereafter, depending on sponsorships.

DEADLINE TO REGISTER: August 2nd

FOR INFORMATION AND TO REGISTER: Logon to RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at ecarpenter@ribuilders.org or (401) 438-7400.

There's still time to get in on the Rhode Island Builders Association's 63rd Annual Summer Outing and Clambake. With ticket prices as low as ever and with beautiful Francis Farm as the backdrop, this biggest of RIBA's networking and social events will feature food, fun, games and unique contests.

The low ticket price will include all that and two free beers. Free soda and water will be available to attendees all day. Make 2013 the year that your company makes the RIBA Clambake your annual outing, as many companies do!

Sponsorships

RIBA has worked very hard to keep the ticket cost as low as possible. The more companies that come forward to sponsor the event, the lower the ticket price will be, so please consider a sponsorship. Contact Elizabeth Carpenter at the RIBA office, ecarpenter@ribuilders.org or at (401) 438-7400.

Sponsors will be recognized at the event and in *The Rhode Island Builder Report's* Outing Issue in September.

See the box below for sponsorship levels.

As always, great food will be highlighted throughout the day. There will be clamcakes and chowder (red and white), hot dogs, and little necks on the half shell. Later in the day, there will be a traditional clambake, with steamers, barbecued chicken, brown bread, fish and all the fixings, followed by ice cream. Steak and lobster will be available for an extra charge. Soda, beer and assorted drinks will be on hand all day.

Enjoy volleyball, horseshoes, basketball, the football toss, insulation toss, the RIBA-invented sport of plywood throwing, and more.

Be an Outing & Clambake Sponsor!

Premier: \$1,000 • Supporter: \$500

Patron: \$300 • Friend: \$75

Here's what you get:

Premier: Includes five complimentary tickets, a sign at every event station, a banner at dinner, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media.

Supporter: Includes two complimentary tickets, a banner at dinner, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media.

Patron: Includes a banner at dinner, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media.

Friend: Includes mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media.

**Contact Elizabeth Carpenter at the RIBA office,
ecarpenter@ribuilders.org or at (401) 438-7400.**

RIBA thanks these members who renewed in April, May & June

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see MEMBERS...page 28

For membership
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THE RHODE ISLAND builder report

Official publication of the
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since 1951

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The Rhode Island Builder Report
Publishing Director.....John Marcantonio
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The Rhode Island Builder Report is published monthly by the R.I. Builders Association, 450 Veterans Memorial Pkwy. #301, East Providence, RI 02914, tel. (401) 438-7400, fax (401) 438-7446, e-mail INFO@RIBUILDERS.ORG. Advertising information is available on the Internet at www.RIBUILDERS.org or from New River Press at (888) 273-1941 (ext. 1). Claims and representations made in advertising are the sole responsibility of the advertiser. The Rhode Island Builder Report and the R.I. Builders Association neither endorse nor guarantee advertiser claims. Readers may submit articles and photographs of interest to the residential building and remodeling industries in Rhode Island, but the publishing director and editor may reject any submission or advertisement. While designed to provide accurate and authoritative information on the subjects covered, The Rhode Island Builder Report and the Rhode Island Builders Association are not engaged in rendering legal, accounting or other professional or technical advice or product support. Accordingly, RIBA cannot warrant the accuracy of all technical information contained herein and disclaims any and all liability which may result from publication or reliance on the information provided. Unless otherwise noted, articles may not be reprinted without the written permission of the publishing director. The Rhode Island Builder Report is edited, designed and produced by New River Press, 645 Fairmount St., Woonsocket, RI 02895, tel. (401) 250-5760 (ext. 1), fax (401) 356-0913, e-mail builder@newriverpress.com.



LOOKING AHEAD!

♦ **August 9: 63rd Annual RIBA Summer Outing and Clambake** - Noon to 7 p.m., Francis Farm, Rehoboth, Mass. Sponsors and prize donors are being sought. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Elizabeth Carpenter at RIBA, ecarpenter@ribuilders.org or (401) 438-7400. *Details on page 2.*

♦ **September 4-5: OSHA 10-Hour Certification Course** - RIBA headquarters, East Providence, 11:30 a.m. to 5 p.m. both days. Attendance on both days is required for certification. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400.

♦ **September 12: BBQ/Networking Night/Membership Drive Event** - RIBA headquarters, East Providence, 4 to 7 p.m. FREE. Learn about RIBA's new recruiting rewards and member benefits while enjoying hot dogs, hamburgers and grilled chicken with all the fixings. Open to all members and non-members. Contact Elizabeth Carpenter, ecarpenter@ribuilders.org, or Elise Geddes, egeddes@ribuilders.org, or call (401) 438-7400.

♦ **September 23: 22nd Annual RIBA Golf Classic** - 11 a.m. to 8 p.m., Wannamoisett Country Club, Rumford. Sponsors and prize donors are being sought. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar," or contact Elizabeth Carpenter at RIBA, ecarpenter@ribuilders.org or (401) 438-7400. *Details on page 7.*

♦ **September 26: Shawn McCadden Marketing Boot Camp: Targeting the Right Customers** - RIBA headquarters, East Providence. FREE to members and non-members. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org, or (401) 438-7400. *Details on pages 7 and 8.*

♦ **October 3: Shawn McCadden Estimating Workshop: Know What You're Selling Before You Sell It** - RIBA headquarters, East Providence. FREE to members and non-members. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org, or (401) 438-7400. *Information on page 7.*

♦ **October 8: 8-Hour Lead Safe Remodeler Renovator Course** - 8 a.m. to 4:30 p.m. at RIBA headquarters. This course is required for all contractors working in pre-1978 buildings. Cost: Members \$150, non-members \$195. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org, or (401) 438-7400. .

♦ **October 10: Shawn McCadden Workshop: Small Business Finances and Profit Strategies for Non-Accountants** - RIBA headquarters, East Providence. FREE to members and non-members. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org, or (401) 438-7400. *Information on page 7.*

♦ **November 7: Shawn McCadden Sales Workshop-Smart Selling for Tough Times** - RIBA headquarters, East Providence. FREE to members and non-members. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org, or (401) 438-7400. *Information on page 7.*

♦ **November 14: Shawn McCadden Production Workshop-You Sold It Now You Need to Build It** - RIBA headquarters, East Providence. FREE to members and non-members. To register, logon to RIBUILDERS.org, and click on this event under the "Events Calendar" or contact Sheila McCarthy at smccarthy@ribuilders.org or (401) 438-7400. *Information on page 7.*

February 4-6: National Association of Home Builders Convention and International Builders Show - Las Vegas, Nev. *Watch for more information.*

More information, registration and payment for most RIBA events is available at RIBUILDERS.org

♦ Indicates a RIBA-sponsored event.

PRESIDENT'S MESSAGE



Felix A. Carlone

A good legislative year...

The 2013 session of the General Assembly is finally over, and the hard work by our Legislative Committee, headed by Ed Ladouceur and Steven Carlino, and many members has paid off with some beneficial legislation passed and some harmful legislation avoided.

You can read the full story, beginning on page 1.

On behalf of the Rhode Island Builders Association and the state's entire residential construction industry, I thank not only the committee, but also our outstanding lobbyists, Joe Walsh, Gayle Wolf and Tom Hanley. It has been a terrific job by Executive Director John Marcantonio, who spent many hours in conference and at the State House on legislative issues, and by the many members who came to testify at hearings and who contacted their senators and representatives.

The fact is that our collective teamwork has brought success. We asked our membership to help, and you did. Lots of you talked with your senators and representatives, called the governor, communicated with the legislative leadership, testified before committees or otherwise helped, and that's what made the difference.

This is what we will need more of in 2014. In fact, it might

be hard to believe, but it will only be a few more months before the 2014 session of the General Assembly is upon us. So there is no rest for the weary. We at RIBA are already studying the issues, evaluating our industry's needs, and preparing for the legislative work to come. We will certainly need your help once again.

Please watch for more information as the issues develop for next year.

Our Annual Outing and Clambake

The time for RIBA's biggest and most popular annual social and networking event is finally here. Our Annual Outing and Clambake will take place on Friday, August 9th, from noon to 7 p.m. Join us at beautiful Francis Farm in Rehoboth, Mass., for a great day of food, fun, prizes and networking!

We have worked very hard to keep the ticket prices low, and every dime from sponsorships has been dedicated to that purpose. Why not become a sponsor, by the way? See page 2 for complete information.

I'll see you at Francis Farm!

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Framing begins at future Dubois home



Matt Parrott of Marcotte Construction Co. prepares to do some cutting as framing takes place at the Burrillville homesite. Working with him on July 8th is Will Hall.

By Paul F. Eno *Editor*

Framing began on June 24th at the Burrillville site that will be home to wounded Marine veteran Kevin Dubois and his wife, Kayla. The project was organized by Homes For Our Troops, and Builders Helping Heroes (BHH), the Rhode Island Builders Association's charity, is handling.

Cpl. Dubois, a native of Lincoln, lost both legs at the hip in 2011 while on his second deployment in Afghanistan.

With project costs expected to exceed \$400,000, BHH project supervisor David A. Caldwell Jr. said that donations of time, materials and money are still needed. Members may follow the progress of the project through monthly updates in The Rhode Island Builder Report and online at www.BUILDERSHELPINGHEROES.org.

To donate time or materials, please visit www.BUILDERSHELPINGHEROES.org, contact BHH President Robert J. Baldwin at bob@rbhomesinc.com or (401) 255-6546, or Mr. Caldwell at dave.caldwell@caldwellandjohnson.com or (401) 885-1770.

Cash donations can be made by visiting www.HOMESFOROURTROOPS.org/dubois.



Contractor 'boot camps' slated for RIBA this fall

By Paul F. Eno *Editor*

A series of free contractor "boot camps" led by industry expert Shawn McCadden will take place this fall at the Rhode Island Builders Association's East Providence headquarters.

RIBA has teamed up with Andersen Corp. and several member suppliers to present the series of five workshops.

• **Marketing Boot Camp: Targeting the Right Customers**, September 26th,

sponsored by United Builders Supply Co., Inc.

• **Estimating Workshop: Know What You're Selling Before You Sell It**, October 3rd, sponsored by Riverhead Building Supply

• **Financial Workshop: Small Business Finances and Profit Strategies for Non-Accountants**, October 10th, sponsored by Coventry Lumber Inc.

• **Sales Workshop: Smart Selling for Tough Times**, November 7th, sponsored by Douglas Lumber, Kitchens & Home Center

• **Production Workshop: You Sold It, Now You Need to Build It**, November 14th, sponsored by National Building Products.

These workshops will provide education in basic business practices. This will make for better contractors and better customers for RIBA's supplier members, according to Donald Hamel of Andersen Corp., who conceived the idea for the program. He developed ideas for the workshops by accompanying several contractors on sales calls. This helped him see what workshops contractors needed, he said.

RIBA Executive Director John Marcantonio said that the association embraced the opportunity to offer this educational series to contractors.

Members and non-members are welcome to attend.

Watch *The Rhode Island Builder Report*, www.RIBUILDERS.org and your mail for more information, or contact Elizabeth Carpenter at (401) 438-7400 or ecarpenter@ribuilders.org.

Annual Golf Classic to benefit Builders Helping Heroes

WHEN: Monday, September 23rd, 11 a.m. - 8 p.m.

WHERE: Wannamoisett Country Club, 96 Hoyt Ave., Rumford 02916

COST: \$195 per player, \$45 for dinner only (6-8 p.m.)

DEADLINE TO REGISTER: September 16th.

FOR INFORMATION AND TO REGISTER: Logon to www.RIBUILDERS.org, click on this event under the "Events Calendar," or contact Elizabeth Carpenter at ecarpenter@ribuilders.org, or call (401) 438-7400. Cancellation deadline is September 16th.

Help support RIBA's charity, Builders Helping Heroes (BHH), while enjoying a day of golf, food and networking at the Rhode Island Builders Association's 22nd Annual Golf Classic. Registration and a buffet lunch will be from 11:30 a.m. to 12:45 p.m., with a shotgun start at 1 p.m. Play will be a modified scramble. Cost includes lunch, greens fees, cart, dinner and a raffle ticket. Corporate or personal checks will be accepted. There will be a number of prizes.

All proceeds from the event will go to the work of BHH, which is currently building a house in Burrillville for a wounded veteran. (See page 6).

Please consider becoming a sponsor!

RIBA Golf Classic: The Sponsorships

PRESENTING: Includes two complimentary players, nine tee signs, dominant sign-age at lunch and dinner, hat giveaway, speaking opportunity, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media, **\$2,000**

PREMIER: Includes two complimentary players, six tee signs, a large sign at lunch and dinner, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media, **\$1,000**

SUPPORTER: Includes one complimentary player, two tee signs, a sign at lunch and dinner, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media, **\$500**

PATRON: Includes two tee signs, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media, **\$300**

FRIEND: Includes one tee sign, mention in *The Rhode Island Builder Report*, a website link and mention in all RIBA social media, **\$75**

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First in a series

Marketing 'boot camp' slated at RIBA

WHEN: Thursday, September 26th, 4 to 6 p.m.
WHERE: Rhode Island Builders Association headquarters,
 450 Veterans Memorial Pky #301, East Providence 02914
COST: Free for members and non-members
DEADLINE TO REGISTER: September 20th
FOR INFORMATION AND TO REGISTER: Logon to
 RIBUILDERS.org, click on this event under the "Events
 Calendar," or contact Sheila McCarthy at smccarthy@
 ribuilders.org or (401) 438-7400.

Industry expert Shawn McCadden will offer "Marketing Boot Camp: Targeting the Right Customers" at Rhode Island Builders Association headquarters in September. This will be the first in a series of five free business-basics workshops this fall, hosted by RIBA and offered jointly by Andersen Corp. and sponsoring supplier members. See the list of sponsors on page 7.

RIBA thanks United Builders Supply Co., Inc., for gen-

erously sponsoring this workshop.

Discover how and why your business plan and exit strategy can help you identify your target customers and niche. Learn several highly effective marketing tactics that work if you know your targets. Find out how the Internet and your website can help the right prospects find you and your business, and learn how to assess the effectiveness and cost of your marketing strategies and tactics so you can maximize your return on investment.

Be able to identify what you can do yourself and where you will need help, and leave with at least six "big picture" considerations for creating a successful marketing plan to attract your chosen targets.

Join us for refreshments and an opportunity to network after the workshop, which is free for members and non-members.

This presentation has been approved for two hours of Massachusetts CSL continuing education credits: one in the business practices category and one in the elective category.



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The Rhode Island Supreme Court licenses all lawyers in the general practice of law.
 The Court does not license or certify any lawyer as an expert or specialist in any field of practice.

CONTACTING RIBA

Members are encouraged to contact the Rhode Island Builders Association staff at any time for information about their membership and its many benefits. RIBA's headquarters is located at 450 Veterans Memorial Parkway, Building # 3, East Providence, RI 02914. Hours are Monday-Friday, 8:30 a.m. to 5 p.m. Phone: (401) 438-7400, Fax: (401) 438-7446. Here is a list of staff:

John Marcantonio, Executive Director
jmarcantonio@ribuilders.org

Elizabeth Carpenter, Operations/Project Manager
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Robin Barlow, Health Insurance • *rbarlow@ribuilders.org*

Sheila McCarthy, Education Coordinator • *smccarthy@ribuilders.org*

Elise Geddes, Membership Relations • *egeddes@ribuilders.org*

Victor Dosoito, Bookkeeping • *vdosoito@ribuilders.org*

CONTACTING THE BUILDERS INSURANCE GROUP

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Member Profile: Michael S. Kosiver of Lockheed Window Corp.

Manufacturing and contracting: It's a business he loves!



Michael S. Kosiver

By Paul F. Eno *Editor*

Mike Kosiver's dad told him to be a banker, but Mike was determined to work in his family business. And today he's owner and president of Lockheed Window Corp.

"I love this business!" Mike declares. "When I was 14 years old, I started working in the factory, but everybody was afraid of me because I was the boss's son. They figured that I didn't know anything and they couldn't yell at me, but they had to find something for me to do. So I ended up outside on a hot summer day, painting the white rocks (in front of the building)."

Jeff Kosiver, Mike's dad, was a tough guy to please, so Mike painted the tops, let them dry, then painted the bot-

toms. By lunchtime, he was finished.

"I don't know whether my co-workers were happy or sad, but I guess I'd proven myself. They let me back in the building to help load trucks, and the rest is history," says Mike. "During my college summers, I went to work in the field, installing commercial windows."

When he graduated from Bentley College (now Bentley University) with a degree in finance, Mike begged his dad to let him work at Lockheed.

"He said, 'You don't want to do this. Go be a banker.' But I told him I loved this industry and he relented," Mike remembers. He took over installation operations in 1991, at a time when the company had three installation crews of three people each.

The company was founded as the Lockheed Aluminum Window Corp. in 1955 in Queens, New York, by Mike's grandparents, Ben and Ruth Kosiver. The company

later moved to Connecticut, then to Rhode Island in 1974, the same year that 4 year-old Mike moved to Coventry from St. Louis, where he was born.

Jeff got involved in the business in the early 1960s, then bought it from his parents in 1988. In his turn, Mike bought the company from his dad in 2009. Lockheed Window Corp. is still in its 1974 location, in the Pascoag section of Burrillville.

"We started out as a manufacturer that did a little contracting. We're a manufacturer today and business is growing, and now we sell to suppliers and independent lumber yards, not directly to contractors anymore," Mike explains.

"I love both sides of the business, but I was weaned in the construction field. So Lockheed today really has two separate operations, manufacturing and contracting, but it's all in the same company."

Today, Lockheed does \$25 million-plus in annual business, with roughly 75 percent commercial and 25 percent residential. And they compete with the big window manufacturers.

"Our Commercial Sales Division has grown to become a

see *KOSIVER...*page 26

Lockheed Window Corp.

Owner & President: Michael S. Kosiver

RIBA member since: c. 1978

Focus: Commercial and residential windows

Serves: New England and New York

Founded: 1955

Based: Burrillville, Rhode Island

Ameriprise hosts PWB




Eric Coury

Eric Coury of Ameriprise Financial Group was the host at the June 12th meeting of the Rhode Island Builders Association's Professional Women in Building Council (PWB).

The meeting took place in the conference room at Ameriprise Financial, located at 1 Citizens Plaza in Providence, with a breathtaking view of downtown from two walls of windows.

"Everyone enjoyed meeting, networking, and the appetizers and wine from Café Nuovo," commented PWB President Cheryl Boyd of Arnold Lumber Co.

The guest speaker was Beth Hammond, regional vice president of Fidelity Inc., who led a very informative discussion on "The Five Key Financial Risks for Women and Strategies for Preparing."

Along with Ms. Boyd, those attending included Carol O'Donnell of CRM Modular Homes; Joelle Sylvia, Roselina Perlini and Tara Ransom of the Law offices of Michael A. Kelly, P.C. 

RICTA: Apprenticeship training for workers

By Kristen Brescia
RICTA Director of Training

Do you know someone who, with the proper training, would make a fine carpenter? Do you know an apprentice ready to start or continue training? Now is the time to steer that person to the Rhode Island Construction Training Academy (RICTA).

Along with carpentry, RICTA offers courses in electrical, HVAC, painting, plumbing, pipefitting, roofing, sheet metal and sprinkler fitting. RICTA is a state-approved apprenticeship training facility and has been training apprentices since 1992.


This apprenticeship training program begins the week of September 9th, so it's important to sign up by August 31st. Classes are held two nights a week, from 6 to 9 p.m. at our recently built Pawtucket school. The evening class schedule enables students to work during the day. For each level of the program, students must complete 144 hours of study, as required by state regulations. Upon each year of completion, a certificate is issued. Upon completion of the program, credits can be transferred to the Com-

munity College of Rhode Island and applied toward an associate's degree.

The RICTA curriculum has been developed under guidelines of the National Center for Construction Education and Research (NCCER), and it's approved by the Rhode Island Dept of Labor and Training. All RICTA instructors are active in the fields they teach. In addition to classroom lectures and discussions, teaching techniques include hands-on training, guest speakers and field trips.

RICTA has two- or four-year programs designed to prepare students for a career in the construction industry, but students must register every year in order to maintain their apprenticeship status. RICTA is affiliated with Associated Builders & Contractors of Rhode Island (ABCRI). RICTA is also known as ABC School.

Members of the Rhode Island Builders Association can send employees to RICTA for the same special price as ABCRI members.

For further information about RICTA and its programs, visit www.RICTA.org or contact Kristen Brescia at (401) 305-3510, e-mail kristen@ricta.org. 

Architectural Digest recognizes R.I. Kitchen & Bath for East Greenwich remodel

R.I. Kitchen and Bath (RIKB) was recently featured as a finalist in *Architectural Digest* magazine's online bathroom renovation design contest for a remodeling project done at an East Greenwich home.


The magazine accepts submissions of readers' "before and after" renovation pictures, and RIKB's project was chosen as one of 15 finalists from among

design projects from firms throughout the country. The project could be named Best Bathroom Makeover and be featured in the magazine's online reader showcase.

The project was designed by RIKB Interior Designer Lynne Shore.

While the online poll is now closed, the results were not in as of press time. However, the East Greenwich

project may be seen at: http://www.ARCHITECTURALDIGEST.com/decor/2013-06/reader-bathroom-renovation-slideshow_slideshow_After-East-Greenwich,-Rhode-Island_22.

Based in Warwick, R.I. Kitchen and Bath is an award-winning design and remodeling firm specializing in kitchen, bath and interior renovations. Find out more at www.RIKB.com. 

PAC event draws 60 to Providence

By Paul F. Eno *Editor*

Over 60 members and guests gathered at the Waterplace Restaurant, Providence, on June 6th for the latest of the ongoing fundraising events to benefit the Rhode Island Builders Association's national and state political action committees (PACs).

RIBA lobbyists Joseph W. Walsh and Gayle Wolf were on hand to update participants on the status of the association's legislative initiatives, and to explain exactly how a bill becomes law.

PAC activities such as this help advance the association's advocacy by supporting pro-business candidates who understand the need for a strong housing sector. RIBA's Legislative Committee puts in much hard work and many long hours on issues crucial to the housing industry and your business. The PAC supports that effort.

See more information on RIBA's legislative program on page 1. To find out more about future PAC events, watch *The Rhode Island Builder Report*, www.RIBUILDERS.org, or contact RIBA Executive Director John Marcantonio at (401) 438-7400 or jmarcantonio@ri-builders.org.



Networking at the Rhode Island Builder's Association's PAC fundraiser at Waterplace Restaurant in Providence on June 6th are, from left, Eric J. Wishart of Civil CADD Services Inc., Joelle Sylvia of the Law Offices of Michael A. Kelly PC, and RIBA Executive Director John Marcantonio.

Bauds attend 'NAHB 20' meeting

David and Laurie Baud of Baud Builders Inc. recently attended a National Association of Home Builders NAHB 20 Club meeting in Norfolk, Virginia.

The NAHB 20 Club is an exclusive benefit that offers members a unique chance to network and learn. Groups of 20 builders meet regularly for an open exchange of information and advice, with a focus on teaching builders from similar, non-competing businesses how to build better homes, improve business practices, and increase customer satisfaction.

The featured speaker at the Norfolk meeting was Phillip Rea, principal of R2R Marketing, based in Chesapeake,

Va. The company specializes in e-marketing, social media management, and search engine optimization (SEO). Mr. Rea provided sales training to participants and addressed the importance of social media and business websites.

The agenda also included a tour of several bay-front homes in Cape Charles, Va. The Bauds also took a boat tour on Chesapeake Bay.

Baud Builders is a custom, high-end residential building company located in Wakefield. Along with NAHB and the Rhode Island Builders Association, the company is active in the National Association of the Remodeling Industry and the South Kingstown Chamber of Commerce.



A primary member benefit offered by the Rhode Island Builders Association is legislative advocacy. This is augmented by the Build-PAC program on the national, state and local levels. PAC events such as the one in Providence on June 6th raise money to support candidates who have sound economic ideas and who understand our industry. Please support these events.

**-Executive Director
John Marcantonio**

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What's hot this summer?

The latest products for builders and remodelers!

The Rhode Island Builder Report is pleased to bring you this look at state-of-the-art materials and services your suppliers are offering for August 2013.

NAHB COMPETITION REVEALS DESIGN TRENDS

The winners of the 2013 Best in American Living Awards (BALA) demonstrate that good design isn't limited to high-end homes, and they're a preview of design trends that your clients will see over the next few years, according to the judges who reviewed the entries in the annual competition sponsored by the National Association of Home Builders (NAHB).

Sixty-five single-family homes, apartments and condos, remodeling projects and subdivisions were honored during the International Builders' Show in Las Vegas in January. Some of the trends seen by the judges include:

High-quality detailing: Regardless of home size, buyers want authentic, high-quality detailing in all aspects of their homes.

Bathroom style and features: Bathrooms are becoming more compact while maintaining an open feeling.

Kitchen features: The kitchen remains at the top of the home buyer's priority list. The judges said they are seeing Carrara marble, cooking hearths and intricate light fixtures this year.

Rooms with different specialties: Specialty rooms such as outdoor cooking spaces, wine rooms and pet-friendly spaces are finding their way into traditional floor plans, said the judges.

Lighting that illuminates: Spaces with lots of natural light are being enhanced by intricate lighting fixtures, like crystal chandeliers.

Ceiling treatments: The judges agreed that it's not just about what to put on the walls and the floors anymore.

Multi-generational living options live on: The judges said they are seeing flexible floor plans with multiple master bedrooms, and space to put in elevators. To see examples of these winning home designs, visit www.NAHB.org/bala. ▲



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A close-up photograph of a yellow excavator's arm and track. The arm is in the foreground, showing hydraulic cylinders and a yellow metal bracket. The track is visible in the background, showing its tread pattern. The image is split horizontally by a black banner containing white text.

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At National Building Products: The FLOOR LOC System

National Building Products worked with Boise Cascade to develop the FLOOR LOC process in their own manufacturing facility. Imagine eliminating time-consuming steps and improving the flooring process. With the FLOOR LOC System, framers put down one sheathing panel after another without constantly stopping to apply adhesive to the next section. How much time will that save your crew?

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"We are thrilled using this roof system. We will never cut another roof. I was amazed at how perfectly everything fit together...."

"I wanted to...thank you all at National for a job well done here at 47 Wilsendale....from the deliveries and pricing to the unbelievable value in the pre-cut rafter package, this project could not have gone more smoothly."

National Building Products, Warwick, R.I. • 401-921-0400 • national-bp.com Page 7

At Beauchemin Lumber: TimberTech® Decking Materials

TimberTech®, a leading manufacturer of alternative decking materials, has expanded its best-selling Earthwood Evolutions® product line to include the terrain collection, now available at Beauchemin Lumber. Joining the tropical and natural collections, this new color palette features two long-lasting colors—brown oak and silver maple, as found in nature.

“Earthwood Evolutions continues to exceed expectations for aesthetics and scratch, stain and fade resistance,” said Toby Bostwick, director of product management for TimberTech. “From the Terrain Collection, customers can expect the same high performance qualities, backed by the same 25-year fade and stain warranty as our other Evolutions planks.”

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Teamwork makes for a great year



Steven Carlino

It was all about teamwork.

The Rhode Island Builders Association and the state's residential construction industry had a very successful year at the State House. Six measures that were important to our industry were passed and, as of press time, two had been signed into law by Gov. Lincoln D. Chafee.

This success took place because so many RIBA members made the effort to contact their senators and representatives, the legislative leadership, and by testifying on these issues before legislative committees.

This is what we can accomplish when we work together! It won't be long before our efforts for the 2014 General Assembly session begin. So please be prepared to help your industry, your state and yourself by helping your trade association's legislative advocacy.

RIBA members are always encouraged to run for public office on any level, and to serve on appointed boards and commissions. RIBA members who serve include State Senator Frank Lombardo III and Warwick City Councilman Ed Ladouceur, co-chair of this committee.

This allows you to bring your professional knowledge to deliberations that can affect our industry. If you are considering a run for office, we want to hear about it. Contact RIBA Executive Director John Marcantonio at (401) 438-7400 or jmarcantonio@ribuilders.org.

We also need to hear from you about local issues of relevance to our industry. No one is in a better position to follow local issues in your own community than you are. If something of concern arises locally, please let John know.

Working together, we can accomplish much!



Ed Ladouceur

RIBA's Legislative Committee

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Stormwater regulations are under review

RIBA will have a voice in the process.

By Paul F. Eno *Editor*

Rhode Island's *Storm Water Design and Installation Standards Manual* is under review by the Dept. of Environmental Management, but there is no indication so far that regulations will be tightened.

That's the word from Thomas E. D'Angelo of Terry Lane Corp./Progressive Realty Group, co-chairman of the Rhode Island Builders Association's Environmental Committee.

"RIBA is represented on the stakeholders group, and several more meetings are planned. DEM is looking at what problems we've had with the current regulations," Mr. D'Angelo said.

"The regulations won't necessarily get more stringent. The problem is that no-one has really done any subdivisions since the regulations have been in force, so their effect really isn't well known and the cost hasn't been figured in. Also, the permit-extension legislation (see page 1) has meant that older approvals are still in effect," he added.

It is also unknown whether the regulations would cause loss of buildable lot area, Mr. D'Angelo pointed out.

"If you have a drainage easement on your lot, this is subtracted (from the buildable area) in some cases. Also, the operation and maintenance (of drainage) has been an issue."

The regulations place a heavy emphasis on low-impact design (LID) principles, and this is behind the issues of concern, according to Mr. D'Angelo.

"We're also talking about more education about the regulations for town officials and contractors, and more guidance on how to do many of the things that LID requires," he added.

Along with Mr. D'Angelo, Environmental Committee Co-Chairman Timothy A. Stasiunas of the Stasiunas Companies and Scott F. Moorehead of SFM Engineering Associates represent RIBA on the stakeholders committee.

Watch *The Rhode Island Builder Report* for more information as this issue develops.



Thomas E. D'Angelo, Timothy A. Stasiunas

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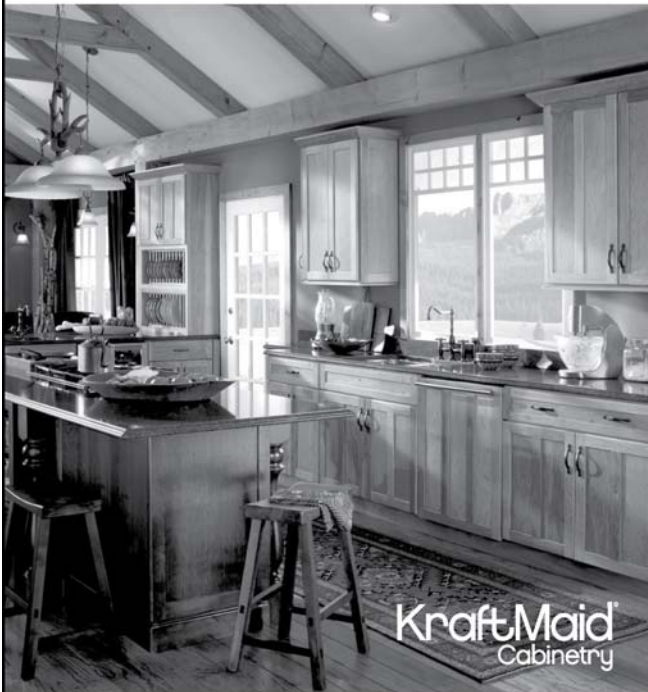


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**Tile Gallery*

A Conversation with...

Pamela Rubinoff

Coastal Management Extension Specialist

*Pamela Rubinoff B.C.E. joined the University of Rhode Island's Coastal Resources Center in 1996, and now heads the Climate Change and the Coast Program. She works on both U.S.-based Rhode Island Sea Grant initiatives and on international development programs. Her focus is on "building resilient coastal communities through technical assistance, policy creation, capacity building and outreach, working in collaboration with various partners, including local and state officials, conservation and development organizations, university faculty and students." Ms. Rubinoff earned her civil engineering degree at the University of Delaware. She is co-author of *Adapting to Coastal Climate Change: A Guidebook for Development Planners and other publications.**



THE BUILDER: But where's the proof? Or do we know this yet? Maybe current requirements are sufficient.

RUBINOFF: One only has to look at the devastation caused by Hurricane Sandy last October, which damaged almost 350,000 homes in New Jersey and New York. Flooding from that storm extended far beyond the areas mapped by the Federal Emergency Management Agency (FEMA). And it exceeded the elevation by several feet in some areas.

The current building standards are based on past information. So FEMA has, for purposes of insurance, es-

THE BUILDER: There is concern in the residential construction sector that further code revisions in response to sea-level changes could be a regulatory overreaction from people who know little about actually building homes. Where is the proof that current Rhode Island requirements are not sufficient?

RUBINOFF: The team working with us (on dealing with sea-level rise) includes the state building code commissioner, floodplain managers, social policy people, land-use planners, myself as an engineer, representatives from the Coastal Resources Management Council (CRMC) and from the building industry.

In the past, we've brought recommendations to groups like the Rhode Island Builders Association, and RIBA is now joining us in the new Coalition of Community Leaders (CCL) as we work with the Rhode Island Shoreline Change Special Area Management Plan (SAMP). The initial meeting will be in July.

We recognize that we need a variety of stakeholders, and we want to engage them from the beginning to help identify the issues and the solutions. RIBA is at the table.

This is all based on past experience. We even have shellfishermen at the table for our shellfish management plan. We have an interdisciplinary group looking at the science and the policy implications.

established minimum building requirements. They look at what the path of the storm was, the intensity of wind and waves, and the sea level. So that's our baseline. Since then there have been recommendations in Rhode Island based on the fact that we didn't even see the full intensity of the storm. Sandy was not a hurricane here. It was far below hurricane strength.

So we start to see implications that some of our past practices are not good enough. And while current standards may be better (than in the past), they still aren't likely to withstand storms of today and the future, which are getting worse. With the expected sea-level rise of a foot or more by 2050, which is within the window of the 30-year mortgage, there will be different conditions than there are today. And again, today's standards are based on the past, not on the present and future.

THE BUILDER: Sandy's damage was caused by sand erosion occurring during a moon tide. How affected were buildings built to today's standards and elevations?

RUBINOFF: Proper planning should be for the worst-case scenario. So even some of the homes in Westerly that were elevated were damaged. That might have been because of improper piling depths, etc. And we have still not seen all the reports from the building officials, and I would like to follow up with those officials in Westerly and

see INTERVIEW...next page

INTERVIEW...from previous page

Charlestown to see how some of the newer buildings stood up to the storm. I haven't seen the post-Sandy reports that FEMA puts out. But, once again, some of those buildings were damaged, so that could have been because of poor design or more erosion than we expected. I need more information.

THE BUILDER: Proponents of increasing building heights or freeboard say that this is a minor expense. RIBA members point out, however, that there are many costs involved, such as cement and roof-line redesigns. Also, areas where stairs can be installed become limited and elevators may become necessary, especially for the elderly and handicapped. Mechanical equipment might no longer fit in the attic, and aesthetics for the owners and abutters can be disrupted. Are these factors being considered?

RUBINOFF: We go by reports that come out of FEMA directly. FEMA gives us ideas on the cost. There was a 2006 report, and a more recent (one). So FEMA puts out some of these numbers: How much can I save if I increase freeboard? We also use some information from the Massachusetts Office of Coastal Zone Management.

Very good point, though. We would have to go back and look at exactly what (the information) incorporates. We would welcome the opportunity to go through that information with RIBA to get the local cost information. And we have to remember that the costs we're given are averages.

There are savings for homeowners on their flood insurance. Over a 30-year period, if the house is one foot above base flood elevation (in an A zone), the owner could save \$25,000. The state building code currently calls for that one-foot above base flood elevation. That's really valuable.

In a V zone, in that same period of time and with one foot above base flood elevation, a homeowner can save \$80,550 in premiums.

(As defined by FEMA, A zones are areas with a 1 percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage. V zones have additional hazards associated with storm waves. Editor)

If you look at two feet above base flood elevation, in a V zone you could save over \$136,000 over the 30-year period.

As for the costs of increasing the freeboard, we get our information from FEMA's 2006 report. They say that the expense "of incorporating freeboard is surprisingly low, generally adding only about .025 to 1.5 percent to the total construction cost."

(The FEMA document is "Evaluation of the National Flood Insurance Program's Building Standards." Editor)

That's where we got the amount of money people could be saving. So the small increase in mortgage payments is often more than offset by the savings in insurance premi-

ums. Our colleagues in Massachusetts use that as well. They also have a one-foot freeboard requirement.

As far as the cost, in certain areas, the communities and the state are looking at infrastructure and the storm consequences. The roads themselves might have to be elevated or relocated. So the question arises: If you elevate or move a road, what happens to the house next to it?

So this needs to be an overall planning issue. It's not just about the house, it's also about the utilities and the neighborhood.

THE BUILDER: With height requirements increasing, existing houses that are below base flood elevations may, in some cases, have roofs lower than the new construction's first floor. In a disaster scenario, will such structures damage the new ones?

RUBINOFF: Any structure not built to today's standards within these flood-hazard areas may, in fact, damage nearby structures that are built to code. Older structures do become projectiles in many instances.

The new regulations do not apply retroactively to existing homes. If you build your home to current standards and my house is built to the old standards or isn't maintained, my deck could float into your living room. Because we don't have all new building stock, that's going to be an issue. The new regulations apply only to new structures or substantial improvements. That's the challenge.

THE BUILDER: Some members say that regulators are basing these codes on insurance losses and damage from a "perfect storm." Is that true?

RUBINOFF: No. Our feeling is that FEMA is looking at past storms. It isn't looking at increased storm surges, and it doesn't incorporate sea-level rise. In fact, some of the new FEMA maps actually lower the standard. They changed the way they look at certain storms, and they aren't incorporating some issues from the storms of 1938 and 1954.

We think that's a mistake, and we've communicated to FEMA that these maps do not depict a worst-case scenario. And again, the storms we're seeing now are much stronger than they were in the past.

THE BUILDER: Would it be a good idea to ban reconstruction if a home in one of these areas is destroyed in a storm?

RUBINOFF: That would be a site-specific question. The SAMP is going to look at different areas along the entire shoreline, and at the risks: flooding, sea-level rise and erosion together. You can identify which areas are more vulnerable than others, and then you can start to answer that question about where you would encourage rebuilding.

see INTERVIEW...next page

INTERVIEW...from previous page


As I said before, it's not just about the house, it's also about the utilities and the neighborhood. Decisions like this need to be made on a neighborhood basis, and you might come up with different answers in Charlestown as opposed to Wickford.

THE BUILDER: Is it just in the United States, or are new first-world nations such as China, India and Brazil, with their now-huge "carbon footprints," taking the same or

similar regulatory steps?

RUBINOFF: I'm not personally involved in China, India or Brazil, but there are two issues here. One is about reducing the carbon footprint, or greenhouse gas emissions. The other is talking about different standards for how and where to build. I understand that Brazil is looking at these things in terms of how they are planning communities and what they need to do in places like Rio de Janeiro.

India has had huge floods, even recently. I understand they are looking at what they need to do to reduce the huge human devastation. For Rhode Island as well as these countries, this issue is about adapting to climate change so that it has less impact on human lives.

It's also about resilience. How do we as a community bounce back better? After a northeaster, people want to get back into their homes and neighborhoods as soon as possible. If those homes and neighborhoods are built better, safer and are better able to stand up to these disasters, the people will be able to get back to their lives quicker. 

KOSIVER...from page 10

major competitor in the aluminum window, curtainwall, storefront and door-fabrication market" in New England and New York, Mike says.

The company has a partnership with ENERGY STAR® and is currently working on a \$2.4 million commercial window project at Somerset Berkley Regional High School in Somerset, Mass.

Lockheed joined the Rhode Island Builders Association in the late 1970s, and Jeffrey Kosiver sat on the RIBA board for years.

"What we most appreciate about RIBA are the opportunities for networking and exposure," Mike says. "You'll find us at social events like the Annual Outing and Clambake."

His sales people also take advantage of many RIBA classes and seminars.

All things considered, Mike Kosiver is very pleased that he didn't become a banker. 

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EXACTIONS...from page 1

For years, local governments have pursued arrangements with developers to extract certain concessions in exchange for allowing them to develop property. For example, a town might ask a developer to improve a street in anticipation of the increased traffic that a development would bring.

In what the National Association of Home Builders considers a major victory for residential builders, developers and property-rights advocates, the U.S. Supreme Court on June 25th issued an opinion that directly affects the law that applies to such conditions, called "exactions." The case is *Koontz v. St. Johns River Water Management District*, and the opinion is available at: www.SUPREMECOURT.gov/opinions/12pdf/11-1447_6j37.pdf.

NAHB led a coalition of 16 associations, which together filed a "friend of the court" brief in the case.

Facts of the case

The St. Johns River Water Management District oversees groundwater and surface-water resources in all or part of 18 counties in northeast and east central Florida.

Coy A. Koontz owned 14.2 acres of vacant land in this region and wanted to develop 3.7 acres of the property. He applied to the district for permits to dredge and fill 3.25 acres of wetland. In exchange, Mr. Koontz offered to dedicate the remainder of his property (roughly 11 acres) to the State of Florida for conservation. The district rejected the proposal and demanded that Mr. Koontz pay to enhance 50 off-site acres of wetland on district property located up to 7.5 miles away, replacing culverts and plugging some ditches. Mr. Koontz refused. As a result, the district denied his permit applications, and he brought the lawsuit.

Since the late 1980s, the Supreme Court has held that an exaction is not constitutional unless it has a "nexus" to a governmental purpose and it is "roughly proportional" to the impact of the proposed development. In law, this is known as the Nollan/Dolan test, named after two Supreme Court cases.

In one case, the court observed that requiring a dedication of private property in exchange for a building permit was "out-and-out extortion" unless it could be shown that the private development imposed a burden on public facilities or resources, and the dedication would mitigate such impact. This became known as the "essential nexus" between a legitimate state interest and the permit condition.

In the second case, the justices ruled that the government's requirement would be an unjustified "taking" of private property unless the exaction was roughly proportional to the impact.

Based on these court precedents, the Nollan/Dolan test is meant to protect property owners from overzealous land-use permitting officials. Until the Koontz ruling, there were still two unanswered questions:

1) Is there a difference between the government denying

a permit because the landowner won't agree to a burdensome condition, as opposed to the government granting a permit with conditions attached?

2) Is the Nollan/Dolan test limited to exactions of land (for example, the government asks that 10 percent of the land be set aside as a park), or does it also apply to monetary actions (for example, government asks for \$10,000 to go toward building an off-site park)?

The decision in *Koontz*

The court ruled that the Nollan/Dolan principle applies equally to situations where the government denies a permit and where the government grants a permit with conditions. In other words, if a property owner refuses to agree to unreasonable conditions in a permit, and the government denies that permit, the government cannot later argue that there was no constitutional violation because the permit was never granted.

The Court also ruled that monetary exactions are subject to the same Nollan/Dolan analysis as land exactions. So it makes no difference if the government demands that the landowner give up real property or money as a condition to obtaining a permit.

"This is a huge victory," said Thomas Ward, NAHB vice president for legal advocacy. "The decision gives landowners ammunition to fight permitting officials who attempt to hold up approvals until the landowner surrenders to their extortion."

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LAWS...from page 1

The main sponsors of this bill were Sen. Michael J. McCaffrey (D-Warwick) and Rep. Nicholas A. Mattiello (D-Cranston).

Mr. Marcantonio stressed that members should not expect permits to be extended again when this act expires.

Also passed and signed into law in July was legislation establishing a task force to study the creation of a single, statewide system of regulations for onsite wastewater treatment systems (OWTS) and wetlands. The task force, which will include representatives of the business, environmental and development communities, as well as municipalities, is to present its recommendations during or before January 2015.

When the new, statewide system is adopted, it will replace local OWTS and wetlands regulations.

Thomas E. D'Angelo of Terry Lane Corp./Progressive Realty Group, co-chairman of RIBA's Environmental Committee, will represent RIBA on the task force.

The bill was proposed by civil engineer Gary S. Ezovski, who co-chairs the Regulations Subcommittee of the Annual Rhode Island SBA Economic Summit and represents no trade or interest group. It was supported by a coalition of Rhode Island business interests, including RIBA.

The main sponsors were Sen. Erin P. Lynch (D-Warwick, Cranston) and Rep. Patricia A. Serpa (D-West Warwick, Coventry, Warwick).

"Along with the general business community in Rhode Island, RIBA believes that the current tangled web of local environmental regulations is unnecessary and harms the economy. RIBA supported this bill because it will lead to a single approval authority, DEM, and eliminate the local regulatory and permitting processes. This legislation might lead to stricter statewide standards, but it will create a clear, predictable and reliable regulatory process. This will streamline permitting and be a benefit to the

industry, helping Rhode Island build again," Mr. Marcantonio said.

"We also believe that this legislation will improve environmental protection because that will no longer be carried out according to town borders."

Four additional bills, all proposed and supported by RIBA, passed the General Assembly and awaited action by the governor as of this writing. These included:

The "Notice Bill," which will require cities and towns to establish and maintain a public notice e-mail registry in order to notify those on the registry about any changes to local subdivision regulations or zoning ordinances. Participants' names and e-mail addresses would be placed on the registry by request.

"This is a major property rights issue, since many landowners are not being adequately informed about local deliberations and decisions that affect their rights. It will also be important for all RIBA members to sign up for their local registries in order to stay informed about these local actions," Mr. Marcantonio said.

The "Spec Housing Bill" will eliminate any local inventory tax on new residential construction by preventing cities and towns from collecting taxes "at full and fair cash value" until that property is either occupied or sold, for up to two years. If the bill becomes law, it will take effect on Jan. 1, 2014.

"This bill encourages speculative development with the intent of creating an inventory of housing in the state, which is so desperately needed," Mr. Marcantonio stated.

The "Slope Bill" will prevent the slope of land from being deducted from a land calculation. It will put slope back into place in calculating lo-

cal zoning density.

The "Home Inspector Licensing Bill" sets out the requirements for licensure and mandates that all home inspectors be so licensed

Also passed by the General Assembly was Gov. Chafee's budget, which includes a restoration of the state's Historic Tax Credit (HTC), supported by RIBA, but with an unprecedented provision, opposed by RIBA, that requires developers to use only contractors and subcontractors who participate in registered apprenticeship programs if they have five or more employees.


RIBA's Legislative Committee believes that this provision would shut out non-union contractors. The provision would apply to projects of \$10 million or more.

Two key bills that RIBA actively opposed did not make it to a floor vote.

These included the "Apprenticeship Bill," which would have created unreasonable apprenticeship rules for state, municipal and quasi-government contracts over \$1 million. The bill would potentially have kept 80-plus percent of the industry from bidding on government projects, according to Mr. Marcantonio.

"The second of these bills was the 'Independent Contractor Bill,' which would have changed the definition of an independent contractor, wreaking havoc on the industry," he added.

Altogether, RIBA's Legislative Committee monitored an additional 50 bills related to other issues of concern to the industry.

To learn more about these issues and to find out how you can help as the 2014 session of the General Assembly approaches, contact Mr. Marcantonio at jmarcantonio@ribuilders.org or (401) 438-7400. 

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