



DOL Overtime Rule

<http://nahbnow.com/2016/05/overtime-rule-doubles-salary-threshold-takes-effect-dec-1/>

FAQS <http://www.nahb.org/en/research/nahb-priorities/overtime-salary-threshold.aspx>

The Department of Labor (DOL) issued its final overtime rule on May 18. This rule, which will take effect on Dec. 1, doubles the current overtime salary limit of \$23,660 to \$47,476 and indexes the salary threshold to inflation every three years. This rule will cause major harm to the nation's small business owners, including the vast majority of home building firms, and force many to scale back on pay and benefits as well as cut workers hours in order to avoid overtime requirements and remain in business.

Congress can force the agency to withdraw the rule by passing the Protecting Workplace Advancement and Opportunity Act (H.R. 4773 and S. 2707).

Kentucky Co-Sponsors: Barr, Massie, Rogers, Whitfield, McConnell, Paul

HR 3700

NAHB urges the Senate to pass H.R. 3700, the *Housing Opportunity Through Modernization Act of 2015*. Earlier this year the House unanimously approved the legislation that includes many NAHB-supported bipartisan fixes to HUD programs.

Introduced by Rep. Blaine Luetkemeyer (R-Mo.), the measure contains a number of reforms to increase access to affordable rental housing, provide assistance to low-income renters and facilitate homeownership. Specifically, the bill would:

- Allow the contract terms of HUD's section 8 Housing Choice Voucher program to be extended from 15 to 20 years.
- Pare down duplicative requirements that have made the Section 8 program difficult to administer.
- Protect Section 8 Housing Choice Voucher residents from displacement due to fluctuations in the Fair Market Rent, which determines payment standard amounts for the voucher program.
- Change the Rural Housing Service Single Family Guaranteed Loan Program so that it will be current with other government loan programs while providing efficiencies for home buyers and lenders.
- Reduce current FHA regulations surrounding existing condominium projects, including streamlining project certification rules and reducing owner-occupancy requirements.

2014 NAHB Chairman Kevin Kelly testified before Congress in support of the bill last fall.

Co-Sponsor: Barr

Wetlands Decision

Statement from NAHB Chairman Ed Brady on Supreme Court Wetlands Decision

WASHINGTON, May 31 - Ed Brady, chairman of the National Association of Home Builders (NAHB) and a home builder and developer from Bloomington, Ill., issued the following statement regarding the Supreme Court's unanimous decision in the case of Army Corps of Engineers v. Hawkes Co. Inc.:

"NAHB commends the Supreme Court for its unanimous decision in this case regarding whether property owners have the right to challenge the U.S. Army Corps of Engineers in court after it has issued a jurisdictional determination. This common sense ruling represents a clear victory for property owners to assert their rights if they disagree with an arbitrary edict by the federal government.

"NAHB has been championing this issue for 25 years, arguing that jurisdictional determinations should be judicially reviewable. Previously, the only way to contest such a ruling in court was to obtain a federal wetlands permit, which is costly and time-consuming, or proceed without a permit and risk ruinous Clean Water Act penalties.

"Today's ruling will allow property owners to be able to dispute a jurisdictional determination in court without first seeking a permit that they believe is not required in the first place."

Energy Codes

A comprehensive energy bill recently passed the House prohibiting the DOE to lobby on energy codes and requiring any code or proposal supported by DOE to be paid back through utility savings within 10 years or less. An energy bill was also passed by the Senate, but unfortunately does not include these reforms. House members have been appointed to conference, but we are waiting on Senate conferees. We are currently working with these negotiators on the bill to preserve NAHB supported provisions in the final bill.

Flood EO Appropriations

<http://nahbnow.com/2016/05/house-hud-funding-bill-contains-key-provision-on-flood-executive-order/>

The House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies (T-HUD) on May 18 approved \$38.7 billion for HUD in fiscal year 2017. This is an increase of \$384 million above the fiscal 2016 enacted level and \$500 million less than what Senate appropriators approved for the department on May 19.

In a victory for NAHB, the House T-HUD bill contains language that delays HUD from implementing last year's executive order signed by President Obama that would allow the agency to expand the floodplain well beyond the 100-year floodplain for all HUD programs. Specifically, the legislative language stipulates that no funds shall be appropriated for the executive order until at least 90 days after the HUD secretary submits a cost-benefit analysis, as well as a detailed nationwide floodplain map.

Update on How Regulations Affect the Price of New Homes

<http://nahbnow.com/2016/05/regulations-add-a-whopping-84671-to-new-home-prices/>

Silica

On March 25, OSHA published the final silica rule in the Federal Register. Though the agency has made major changes to the construction rule, NAHB remains concerned that the final rule is not technologically and economically feasible for the home building industry. Eight construction industry organizations including the Texas Association of Builders have filed a petition for review of the final rule by OSHA with the U.S. Court of Appeals for the Fifth Circuit. The affiliated national associations will join the petition. Chairman Ed Brady also testified on the rule in April before the House Education and Workforce Committee's Subcommittee on Workforce Protections. Below are highlights of the rule.

- Permissible exposure limit (PEL) for crystalline silica has been reduced to 50 micrograms per cubic meter of air, averaged over an eight-hour shift.
- Employers will be required to use engineering controls (such as water or ventilation), establish work practices that limit worker exposure, and provide respiratory protection when controls are not able to limit exposures to the permissible level.
- Employers must prepare a written exposure control plan and find a competent person to implement it. The plan must contain procedures to restrict access to work areas where high exposures may occur. *(Note: Neither the written exposure control plan nor the competent person requirements were part of the original silica proposal.)*
- Employers can either use a control method laid out in Table 1 of the construction standard, or they can measure workers' exposure to silica and independently decide which dust controls work best to limit exposures to the PEL in their workplaces. Table 1 matches common construction tasks with dust control methods, so employers know exactly what they need to do to limit worker exposures to silica. Employers who follow Table 1 correctly are not required to measure workers' exposure to silica and are not subject to the PEL.
- The rule does not apply where silica exposures will remain low under any foreseeable conditions (e.g., when only performing tasks such as mixing mortar, pouring concrete footers, slab foundation and foundation walls and removing concrete formwork).
- The standard allows for use of compressed air, dry sweeping and dry brushing where other cleaning methods are not feasible.
- It does not require protective clothing.
- Employers will be required to provide workers who must wear a respirator for 30 or more days per year with medical exams and to keep records of workers' silica exposure and medical exams.
- Workers must be trained on work operations that result in silica exposure and ways to limit exposure.
- Construction employers must comply with all requirements of the standard by **June 23, 2017**.