



## **HBA News**

A publication of the  
Home Builders Association of West Michigan  
*January 2009*

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#### **HBA Info:**

Allison Henley –  
Executive Officer  
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hba-west-michigan.com

#### **Classes Offered**

Looking to take a class and  
expand your knowledge?  
Check out our website for  
dates, times and costs of  
classes being offered in our  
area.

### **Meeting Notice**

January 8, 2009

Walkers Restaurant in Hart

Board meets at 5:30pm

Social begins at 6:30pm

General Membership meeting at 7pm

Our Speakers will be:

Oceana County Building, Electrical and  
Plumbing Inspectors – Jerry McIntyre,  
Randy Neuman and Tom Story.

### **List of Upcoming Events**

**March 20, 21 & 22, 2009**

*Home Show*

*WSCC Rec Center*

*Deadline to register is 2/15/09*

**June 26, 27 & 28**

*Parade of Homes*

*Open to Builders & Remodelers*

#### **Meeting Dates & Locations**

*January 8<sup>th</sup> @ Walkers in Hart*

*February 5<sup>th</sup> @ Walkers in Hart*

*March 5<sup>th</sup> @ Walker in Hart*

*April 2<sup>nd</sup> – location TBA*

*May 7<sup>th</sup> – location TBA*

*June 4<sup>th</sup> – location TBA*

## **2009 Officers**

President – Joe Hayes  
Maplewood Home Builders  
(231) 873-8022

V. President – Dan Gorenflo  
Hallack Contracting  
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Treasurer – Patrick Henley  
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(231) 861-5480

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Joe Hill (1 yr. term)  
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Stovall Construction  
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(231) 873-2716

Clarence Felt (2 yr. term)  
KC Felt Construction  
(231) 861-5309

**Executive Officer**  
Allison Henley

## **2009 MEMBERSHIP DIRECTORY**

The deadline for turning in your updated company information for the 2009 Membership Directory has been extended to 1/15/09. If you haven't done so all ready, please take a moment and fill out and return by fax the form with any changes you would like us to implement in the new directory.

Also, advertising is still available for the inside front cover (\$325), the back cover(\$350) and the inside back cover (\$320). These ads are full color ads and a great investment for your advertising dollar. Interior ads are also available.

We are also holding another contest for the photo on the front cover. Please email your photo (jpg form) to Allison by 1/15/09 to get in the drawing to have a photo of your home on the cover!

## **2009 MEMBER COUPON BOOK**

It's not too late to submit your coupon for the 2009 Member Coupon Book. This book gives you exposure to all of our Builder and Associate Members, as well as adding value to your HBA Membership. Don't delay, the deadline has been extended to 1/15/09 and then the books go to the printer. If you have any questions, contact Allison.



# **Southwestern Michigan Home Builders Association**

## **Course Schedule**

The following courses are scheduled to be held by the SWMHBA.

**January 12, 2009**

**Marketing & Communication Strategies for Aging and Accessibility (CAPS I).**

Class to be held at the Park Inn in Stevensville. 8:30 a.m. to 4:30 p.m. Lunch included. \$165.00 NAHB members, \$190.00 for non-members.

**January 13, 2009**

**Design/Build solutions for Aging and Accessibility (CAPS II).**

Class to be held at the Park Inn in Stevensville. 8:30 a.m. to 4:30 p.m. Lunch included. \$165.00 NAHB members, \$190.00 for non-members.

**January 14, 2009**

**Business Management for Building Professionals.**

Class to be held at the Park Inn in Stevensville. 8:30 a.m. to 4:30 p.m. Lunch included. \$165.00 NAHB members, \$190.00 for non-members.

**February 17 & 18, 2009**

**Green Building for Building Professionals. (CGP)**

Class to be held at the Park Inn in Stevensville. 8:30 a.m. to 4:30 p.m. Lunch included. \$250.00 NAHB members, \$300.00 for non-members.

**February 19, 2009**

**Business Management for Building Professionals.**

Class to be held at the Park Inn in Stevensville. 8:30 a.m. to 4:30 p.m. Lunch included. \$165.00 NAHB members, \$190.00 for non-members.

Registration information can be found at our website: [www.swmhba.com](http://www.swmhba.com) or call the SWMHBA office at (269) 473-5035 and ask for Valerie.

## **WHAT ABOUT THE WARRANTY?**

### **Timely Guidance From The MAHB Government Relations Department**

The question usually comes in two forms. “Can you send me a copy of the law that requires builders to offer a warranty on their new homes? Can you send me a copy of the law that says a builder doesn’t have to offer a warranty on their new homes?”

The response to either question is always the same, “no.”

There is no Michigan law requiring builders to offer an express warranty nor is there a law exempting builders from offering such a warranty. Much of the confusion comes from our article of the Occupational Code, which sets an eighteen-month time limit for bringing a complaint against a licensee. This is not a requirement for a warranty. The decision of whether or not to offer a contract containing an express warranty, how long that warranty runs and what it covers is a business decision each builder or remodeler must make for herself or himself.

**But that doesn’t mean new homes don’t have warranties. Other non-contractual warranties do apply.**

Michigan courts have held there is an “*implied warranty of the habitability of new homes sold as part of a real estate transaction involving the builder-vendor.*” This warranty guarantees the home was constructed in a reasonably workmanlike manner and will be reasonably fit for habitation. It does not apply a new “custom” home built under a contract with a customer on land already owned by customer.

State law also contains two different statutes of limitations to recover damages for any injury to property real or personal. There is a six year period after the time of occupancy of the completed improvement, use, or acceptance of the improvement, or one year after the defect is discovered or should have been discovered during the six-year period. This six-year period would also apply to the implied warranty of habitability and workmanship the state currently applies to all non-custom-built homes. A ten-year period applies to injuries or damage that is attributable to the gross negligence of the builder.

In any case, the ability to bring such actions as well as the implied warranty of habitability is available only to the original owner of the new home and is not transferable to subsequent owners.

As a further complication, there are also other manufacturers’ warranties for materials and products used in the construction of the house that can create a separate set of guarantees that may or may not be transferable.

So, does the law require an express warranty? No. Are there other types of warranties that attach to a new home? Yes. Does an express warranty offered as part of the contract override non-contractual warranties? Yes, a contract can be used to limit any implied warranties. For example, warranties can expressly be limited to a one-year period in a contract.

In the end, the best protection is always to assure excellence in all phases of the job. As William Foster said, “Quality is never an accident; it is always the result of high intention, sincere effort, intelligent direction and skillful execution.”

**NOTICE:**

**2003 MICHIGAN UNIFORM ENERGY CODE TO TAKE IMMEDIATE EFFECT**

In 2002, the Department of Labor & Economic Growth established a committee to review and update Michigan's Uniform Energy Code. After review and promulgation of the code, the Ingham County Circuit Court issued an injunction to halt the February 28, 2005 effective date of the rules. Therefore, the rules have been pending litigation since that time. On October 24, 2008, this matter was before the court with a decision following to dismiss the complaint and dissolve the injunction; thereby make the rules effective immediately.

Therefore, every unit of government enforcing the single state construction code must apply the 2003 Michigan Uniform Energy Code (MUEC) to newly issued permits.

The 2003 MUEC was distributed prior to the anticipated effective date of the rules; however, given the length of time that has passed, the bureau is placing a link to these rules on the website: [www.michigan.gov/bcc](http://www.michigan.gov/bcc) in order to download a free copy.

If you prefer the MUEC in the original format, you may purchase a copy at a cost of \$2.50 by downloading and completing the Codes and Standards Order Form and mailing it along with a check or money order made payable to "State of Michigan" to: Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, PO Box 30255, Lansing, Michigan 48909. Copies may also be purchased at the bureau's Okemos Office at 2501 Woodlake Circle, 1<sup>st</sup> Floor. Please call (517) 241-9313 to check availability.

Technical questions regarding these rules may be addressed to the respective divisions as follows:

- Plan Review Division - (517) 241-9328
- Building Division - (517) 241-9317
- Electrical Division - (517) 241-9320
- Mechanical Division - (517) 241-9325
- Plumbing Division - (517) 241-9330

# Make Resolutions that Will Last Beyond the New Year

Every New Year, do you make the same old resolutions? Go to the gym. Quit smoking. Be more organized. Then, like many people, do you abandon these goals within a month or two? Here are some resolutions you can make—and keep—that will benefit not only you, but also your family, your community and your world.

## **Improve Your Home's Safety**

There are lots of little things you can do around the house to give yourself big peace of mind that your family is protected from all-too-common household accidents. For example, to avoid electrical shocks, place covers over all outlets and tie up or unplug cords so they don't dangle temptingly in front of toddlers or pets.

Home electrical problems account for 67,800 fires during a typical year, according to the U.S. Fire Administration. Inspect appliance cords and immediately replace any that are worn, old or damaged. Keep clothes, curtains and other potentially combustible items at least three feet from all heaters. Make sure electrical appliances are used and stored away from wet floors and counters.

Your home's windows need to be accessible in case your family has to use them as an escape route. Make sure they are not nailed or painted shut, and if they have guards, security bars, grilles or grates, test the release mechanism make sure it works.

On the other hand, windows can pose a falling hazard. Make sure screens are secure, and keep furniture—or anything children can climb—away from window ledges.

## **Save Money by Going Green**

Prices for fuel oil, propane and electricity are expected to rise this winter, so even the smallest improvements could help your family's budget. Replacing incandescent light bulbs with compact fluorescents can save you up to three-quarters of the electricity previously used by incandescent bulbs.

Put an insulating blanket on your water heater. The U.S. Department of Energy says that adding insulation to your heater can reduce standby heat losses by 25 to 45 percent, and save 4 to 9 percent in water heating costs. The blankets cost anywhere from \$15 to \$50 at your local hardware store or online, and are easy to install.

Change your thermostat to one that is programmable and can be set to lower the heat automatically when the home is empty during the workday, and at night when everyone is asleep. Programmable thermostats can save about \$180 per year in energy costs, according to Energy Star, a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy.

Conserve water, and reduce your water bill, by making simple changes such as running dishwashers and clothes washers only when they are full and taking short showers instead of baths and turning off the water when you are shampooing or soaping.

## **De-Clutter and Help Others**

Especially in these tough economic times, donating your unused items to charity could be a lifesaver for homeless or needy families. If it's in good condition, your out-of-style or outgrown clothing could keep a family warm during the cold weather months.

Many local charities also accept donations of household items that are in working order. That lamp, toaster or set of dishes gathering dust in the garage could help furnish a home for a needy family.

When you redecorate or remodel, don't put out-of-style-but-usable home furnishings such as light fixtures, bathroom vanities, and even door knobs in the garbage. Habitat for Humanity ReStores ([www.Habitat.org](http://www.Habitat.org)) and other organizations will take and re-sell them at a fraction of the cost of new, and the proceeds help build Habitat homes.

## Safety Has Its Rewards

**...and those Rewards are being paid back.**

The MCIM *Safety Rewards* program is paying policy-holders back a portion of their annual premiums for working safely. If you qualify, you get money back. Find out today how it's possible to receive a return of up to 20% of your annual premium.



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Return Service Requested

**The next General Membership Meeting is January 8<sup>th</sup> at Walkers Restaurant in Hart. Our speakers will be Jerry McIntyre, Tom Story and Randy Neuman from the Oceana County Building Department.**