



Building Industry Association  
of Fresno/Madera Counties, Inc.

# BIA Fresno/Madera Counties

## UPDATE BULLETIN

Volume 30, Issue 8 – August 31, 2021

### LOCAL

#### Summary of August Meeting with the City of Clovis

**Financing and Scheduling for Sewer Force Main to Serve Heritage Grove** – Mike Harrison commented on the report to the City Council that it would be difficult to finance any improvements for about 15 years and until then the City would rely on interim capacity to serve the new growth. It was agreed that this item be removed from the monthly agendas and receive an update periodically.

**Discussion of the Approval Process for Final Maps with Reduced Public Utility Easements** – Josh Jones and Jim Gill of PG&E indicated that they were working on the current projects with reduced PUEs being held up and hoped to get a resolution soon. Josh and Jim both stated that the 10 ft. PUE has been in place for some time, and they will be working with the industry to reach an agreement on the process for reduced PUEs in the future. The builders explained that projects with approved tentative maps were being held up because of the change by PG&E and indicated that for high density residential the 10 ft. requirement would make projects infeasible. Josh indicated that PG&E was having a meeting early next week to address the issue and would schedule of meeting of the builders to address any problems.

**Qualified Consultants for EIR Services and the Process to Contract with Consultants** – Dave Merchen informed the members of the Committee that they had established a list of 9 firms that builders could select from to prepare EIRs for their projects. Dave stated that a process was being developed and a draft would be available soon for review.

**Changes to Development Standards for Small Lot Single Family Subdivisions** – Mike Prandini reported that a subcommittee had been working on the establishment of required amenities for high density single family residential projects and had arrived at a recommendation. Mike stated that recommendation would be submitted to the city. It was agreed that the subcommittee's recommendation would be submitted to the BIA Board for approval before it would be submitted to the city.

**Update of Planning Fees** – Dave Merchen reported that the proposed increases to the Planning Department processing fees would be presented to the City Council on September 7 for approval. A request was made that the approval of the fees be postponed for one week to allow additional time for review. The city staff agreed to schedule the hearing on the fees on September 13.

**VMT Analysis** – Sean Smith indicated that staff was working with the consultant on development projects to provide the information necessary for the consultant to be able to run the modeling. The Committee discussed possible areas that could not be developed that could affect the modeling assumptions. It was agreed that the issue would be addressed during the next General Plan update.



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This link takes you to the NAHB  
Member Discounts page

## AROUND THE STATE

### **SB 9 | Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?**

Terner Center for Housing Innovation

The study explores the potential impact of Senate Bill 9 on new housing supply by modeling the financial feasibility of new home construction as allowed under the current version of the bill. It found that SB 9 would enable new development where none was financially feasible before on around 110,000 single-family parcels, representing just 1.5% of total single family parcels statewide.

While a step towards alleviating the state's affordability crisis, the new capacity enabled by SB 9 would represent only a fraction of the overall supply needed and policymakers should consider complementary strategies to expand homeownership opportunities and expand new housing supply.

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### **California ranks low for home affordability, by this math**

Orange County Register

In our fifth quarterly analysis of home affordability for first-time buyers in the largest metro areas of the country, we find the second quarter of 2021 brought no relief for would-be homeowners. First-time buyers are typically constrained by tighter budgets and less robust credit histories, making the struggles of a strong seller's market even tougher on them than on other home buyers. Even those with the financial means to take advantage of low mortgage rates in spite of high prices would have been met with some of the stiffest competition yet.

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### **Why is it so difficult to get housing bills through the California Legislature?**

ABC10

Liam and Manuela break down the powerful interest groups that dominate the housing debate — including affordable housing developers and labor groups — and why their seemingly overlapping priorities often clash. While the groups often aren't powerful enough to pass legislation on their own, they often succeed at blocking bills.

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### **California's minimum wage is not enough to rent a two-bedroom home**

23ABC News Bakersfield

In California, the fair market rent for a two-bedroom is \$2,030. To afford this level of rent and utilities without paying more than 30% of income housing, you must earn 6,766 or 39.05 an hour according to the out-of-reach 2021 report. California is the most expensive state listed.

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## AROUND THE STATE

### Energy Commission Adopts Updated Building Standards to Improve Efficiency, Reduce Emissions From Homes and Businesses

California Energy Commission

The 2022 update will be submitted to the California Building Standards Commission (CBSC), which is scheduled to consider it in December 2021. If approved by the CBSC, it would go into effect on January 1, 2023, giving builders, contractors and other interested parties a year to gear up for the changes.

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### It's a former office park and ghost town. Now, a Marin property could turn into 1,100 homes

San Francisco Chronicle

But while the vacant 770,000-square-foot suburban office park — it once housed 2,500 workers — has been a weak spot in Novato's economy since the insurance company left seven years ago, it is now positioned to give the northern Marin County city something that could make it the envy of its neighboring communities: a major source of new housing.

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### California's housing crisis: How much difference will a zoning bill make?

CalMatters

YIMBYs and NIMBYs are battling over legislation to allow more duplexes, but some experts downplay its impact on California housing. The bill backed by Senate leader Toni Atkins faces a key test today before the Assembly Appropriations Committee

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### Homebuilder sentiment falls to lowest level in over a year as buyers face sticker shock

CNBC

The price of lumber has fallen sharply in the last few months, but apparently that has not been enough to take the pressure off homebuilders.

Sentiment among single-family homebuilders dropped 5 points to 75 in August on the National Association of Home Builders (NAHB)/Wells Fargo Housing Market Index (HMI).

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### SB 9 is essential to combat the housing crisis in California

The Press-Enterprise

This legislation is the product of multiple years of work in the state Legislature to develop solutions to address our state's housing crisis. The disinformation surrounding this bill is threatening a chance for California to gently increase the number of new homes that are naturally more affordable, without requiring drastic neighborhood change or putting existing homeowners or renters at risk of displacement.

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## AROUND THE STATE

### Single-family zoning could soon ease in California San Mateo Daily Journal

Senate Bill 10, authored by state Sen. Scott Weiner, D-San Francisco, passed the Assembly this week with a 41-9 vote, and Senate Bill 9, authored by Senate President Toni Atkins, D-San Diego, will likely be headed for an Assembly vote later this week. Both pieces of legislation are aimed at allowing for "light touch" or moderately denser housing in the state.

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### How sports arenas became the poster child of California's housing crisis CALMatters

To help alleviate the state's housing shortage, California recently began tracking publicly owned lots that could be turned into affordable homes. In its first year, the state housing agency has cited two major sports arenas—Angel Stadium in Anaheim and Pechanga Arena in San Diego—for cutting backroom development deals with developers that shortchanged the public on affordable units. The agency is now investigating Oakland Coliseum in Oakland.

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### Reduce builders' fees to make housing more affordable CalMatters

As anyone who has tried to buy a home in the past year knows all too well, California's housing costs are soaring. The primary reason is basic economics – there is a strong demand for housing and a limited supply because not enough homes have been built over the past two decades to meet that demand.

But a recent study has made it clear that increasingly high fees charged to builders by cities, counties and special districts, and ultimately paid for by homebuyers, is a major cost factor as well, and one that can be addressed.

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### The Climate Warriors Are Coming for Your Gas Heater and Stove The National Review

Natural gas is a clean and affordable fuel used by millions of Americans every day to cook, heat water, and provide warm homes in the winter. We appreciate its benefits, even if we don't think about them very often.

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### Southern Californians need affordable energy options, not bans Orange County Register

Close to 50 municipalities have passed laws that severely limit or outright ban natural gas hookups in new home construction. This means appliances such as gas ovens, stoves, and heaters will no longer be allowed. The rationale behind these misguided policies is based on the argument that eliminating natural gas in homes will help meet California's ever-increasing greenhouse gas emission goals set by Sacramento.

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## AROUND THE STATE

### Drought, Water Supply Are Top Environmental Concerns in California

Public Policy Institute of California

As the state copes with yet another severe drought and a challenging fire season, a new PPIC survey on Californians and the Environment finds that Californians are increasingly concerned about drought and water supply. More than ever before, they also recognize that climate change is worsening drought and wildfires in the state, and they broadly support the state taking action on climate change.

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### California's High Housing Costs Increase Poverty

Public Policy Institute of California

Until California can resolve its housing shortage, low- and moderate-income Californians will struggle to find places to live that fit within their constrained budgets. The governor and state legislature have taken some steps: the California Comeback Plan includes a \$12 billion funding package for homelessness and allocates more than \$10 billion for affordable housing. This and other legislation represents an opportunity to ease the housing burden for low-income families and groups most affected by the pandemic recession.

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### California's Plan to Make New Buildings Greener Will Also Raise Costs

The New York Times

California has led the nation in fighting climate change by encouraging the use of renewable energy and electric cars. Now the state is taking on an even harder challenge — reducing emissions from homes, businesses and other buildings that have to be heated, cooled and powered.

"You're going to see the impact in office rents. You're going to see it in the cost of the milk in your grocery store," **said Donald J. Ruthroff, a principal at Dahlin Group Architecture Planning** in Pleasanton, Calif. "There's no question this is going to impact prices across the board."

**Chris Ochoa, senior counsel for codes and regulatory and legislative affairs at the California Building Industry Association, said** the builders support efforts to address climate change. But he believes more needs to be done to retrofit existing buildings with more energy-efficient systems, too. Otherwise, new homes, with more efficient and advanced systems, will become even less affordable to first-time buyers.

There are 14 million existing homes, a number that dwarfs the roughly 100,000 permits that builders seek annually for new homes in the state, Mr. Ochoa added.

"You've really got to focus on the existing housing stock," he said. "That's where you're getting the biggest bang for your buck."

Mr. Ruthroff, the architect, said the state's approach to focus on new homes made sense because it is "the low-hanging fruit." But he added that there was only so much to be gained from imposing such requirements on new buildings since they are already much better insulated and have more advanced appliances and heating and cooling equipment than older homes.

[\*\*READ MORE>>\*\*](#)

# How California's Right to Repair Law (SB-800) Affects Builders



California's Right to Repair Act (SB-800) has been around since 2003. Builders and buyers often have questions about how SB-800 affects them. Today, we'll go through why SB-800 is important, how it affects builders, and what 2-10 Home Buyers Warranty (2-10 HBW) does to protect builders in light of SB-800.

## WHY SB-800 matters to California builders

According to Level Up Group SF, SB-800 "sets standards for new construction, allowing builders the right to repair defects as a means of avoiding litigation . . . and provides builders with certain legal defenses." However, SB-800 is NOT a warranty. Instead, SB-800 defines the statute of limitations and procedures to address allegations of "construction defects."

In short, SB-800 codifies certain builder responsibilities regarding construction defects (time frames specifically) and provides a process for homeowners to make claims against builders related to such defects.

## HOW SB-800 affects builders

SB-800 affects builders in many ways, but the following includes some of the highlights of the bill.

First, it's important to note that SB-800's primary focus is on the time frames in which homeowners can assert claims for construction defects, commonly called statutes of limitations. For example, SB-800 includes a 10-year statute of limitations for structural defects, which isn't uncommon nationwide. But it also includes a five-year statute on how paints and stains interact with building surfaces. In addition, it includes a slew of four-year statutes regarding plumbing/sewer systems, electrical systems, and walkways and driveways.

The problem is that SB-800 doesn't really define specific terms. For instance, SB-800 notes that "Plumbing and sewer systems shall be installed to operate properly and shall not materially impair

the use of the structure by its inhabitants." However, it doesn't define what "operate properly" or "materially impair" means. Given how important definitions are in the structural space, this vague language can be confusing and problematic.

Second, SB-800 requires a one-year fit and finish warranty. But once again, SB-800 doesn't clearly define what fit and finish means, nor does it define anything that falls under the fit-and-finish warranty. If builders and homeowners don't have a similar set of standards to work with, it can lead to disputes and even litigation.

Finally, SB-800 allows builders to include an arbitration clause in their warranties. However, arbitration clauses can be as varied as the people who write them. So, it's imperative for builders to know that their arbitration clause has been tested in court successfully.





## HOW CALIFORNIA'S RIGHT TO REPAIR LAW (SB-800) AFFECTS BUILDERS

### WHAT 2-10 HBW does to protect builders in light of SB-800

SB-800 provides a bunch of rules to follow without precisely defining how to follow them. Fortunately, 2-10 HBW's industry-leading warranty program helps address the problems stated above and more.

First, 2-10 HBW's warranty document clearly defines coverage, responsibilities, and terms like "fit and finish." That helps establish common ground with homeowners so that everyone knows who's responsible for what and when. Definitions are crucial for builders and their warranties, and 2-10 HBW clearly states those definitions, which can overcome the vague language in the law itself.

Second, 2-10 HBW's arbitration clauses have been upheld in several court proceedings. That's a huge benefit for builders by itself, because challenges to arbitration language can add unnecessary expense and delay to resolving the actual dispute.

Third, SB-800's dispute resolution process is extremely convoluted and difficult for builders.

For instance, if you were to miss any deadlines under SB-800, the buyer can file a lawsuit against you. In addition to our proven arbitration clause, 2-10 HBW offers dispute avoidance and resolution services for Builder Members. 2-10 HBW's Warranty Administration team helps move disputes through education, de-escalation, conciliation, and if necessary, an experienced arbitration service.

Fourth, SB-800 strongly recommends that you provide a Maintenance Manual to express buyer responsibility and limit exposure. 2-10 HBW provides this, which means you don't have to create it.

Finally, 2-10 HBW is a third-party warranty provider. That's incredibly important because third-party warranties tend to stand up strongly in court. In the other hand, when builders provide their own warranty, courts may view it as too self-serving to the builder (e.g., *Porter v. Toll Brothers*). In addition, third-party validation means a lot to buyers.

### CONCLUSION: 2-10 HBW helps builders bound by SB-800

Following the law is obviously important, but SB-800 can sometimes be difficult for builders and buyers to interpret. With a structural warranty from 2-10 HBW, builders can set clear expectations for buyers. You also get access to 2-10 HBW's Dispute Avoidance and Resolution service, in addition to our proven arbitration clause.

Don't risk falling prey to vague and overly general legal language. Cover all your homes with 2-10 HBW to protect yourself and your buyers, and allow yourself to do what you do best—build quality homes.

**Learn how you can protect your business and add valuable selling points to your new builds with a 2-10 HBW structural warranty.**

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# **BIA-Fresno/Madera Member Benefits**

**Three-In-One Membership—** When you join the Building Industry Association of Fresno/Madera Counties you also become a member of the California Building Industry Association (CBIA [www.cbia.org](http://www.cbia.org)) and the National Association of Home Builders (NAHB [www.nahb.org](http://www.nahb.org))

These associations work together to ensure sufficient affordable housing and to make the American dream of homeownership a reality. Your local, state and national memberships provide many valuable benefits, services and opportunities that range from advocacy, education, technical support, industry resources and the latest data and information.

**Advocacy**—Our advocates and member volunteers work year-round in your community, Sacramento and Washington, D.C. to encourage local government officials and lawmakers to provide incentives for people to purchase new homes and lower the costs of homebuilding, such as through fee reductions and eliminating high-cost regulations.

**Targeted Networking and Marketing Opportunities**—We encourage our members to *do business with members*. Local, state and national events also offer opportunities to build business relationships.

Our committees hold regularly scheduled meetings to fulfill tasks and goals.

Create brand awareness and make yourself known. Use your membership to promote your brand and market your business message to potential customers through advertising and sponsorships

## **Save Money**

- ◆ **2-10 Home Buyers Warranty:** Exclusive access to discounts on select products, including the Builder Backed Service Program and the systems and appliances warranty
- ◆ **Amazon:** Business-only pricing and products, Purchasing approvals and workflows, Improved spending visibility and Multiple payment options.
- ◆ **Lowe's:** Save 2% on Lowe's accounts receivable purchases, plus free delivery on purchases of \$500 or more
- ◆ **UPS:** UPS discounts of up to 36% on a broad portfolio of shipping services including air letters & packages, ground shipments, international imports and exports.
- ◆ **TSYS (formerly TransFirst):** Complete payment solutions with proven savings of 16% per year average. Web/mobile tools, credit card and eCheck processing, check services and more. Free "Savings Analysis" for members.
- ◆ **CBIA has an Affinity Program with Ames Grenz Insurance,** to provide members with guaranteed issue medical, dental and vision plans. For details, please contact Reggie Conley at Ames Grenz Insurance Services at (916) 486-2900 or [rconley@amesgrenz.com](mailto:rconley@amesgrenz.com)
- ◆ **The CIRB Report,** a research service provided by the California Homebuilding Foundation (CHF), produces and distributes current and historical statewide building permit statistics for all 58 counties and 538 incorporated cities. Contact the Research Team at 916-340-3340 or [CHF-CIRB@mychf.org](mailto:CHF-CIRB@mychf.org) for more information.
- ◆ **Member Rebate Program:** Quarterly rebates on materials purchased
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## MEMBER SAVINGS PROGRAM *at a glance*

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COMPANY	SAVINGS	PRODUCTS	INFO
GM	Save \$500 on most new vehicles. Save \$500-\$1,000 per vehicle for first customer. Staples, Kevlar, mesh, has, vinyl, glass and tint offers. NAHB Members and Licensed Builders Eligible.	Cadillac, Buick, GMC	<a href="#">nahb.org/gm</a>
FCA	30% off Auto Insurance premiums for vehicles. Save on Deductibles and Premiums and more. NAHB Members, Employees & Affiliates, Family Builders.	Chrysler, Dodge, Jeep®, Ram, or FIAT®	<a href="#">nahb.org/fca</a>
NISSAN / INFINITI	Saves between \$3,250 - \$10,500 per vehicle. Has low purchase in member's company name. ROT included in most Nations. Others. Member's Company Eligible.	Infiniti, Nissan	<a href="#">nahb.org/niss</a>
BFGOODRICH	Save \$100 on set of 4 All Terrain T/A KO2 Tires. On Four Wheel Tire Assistance.	Tires	<a href="#">nahb.org/bfg</a>
GEICO	Exclusive member rates on Auto and Home Insurance.	Insurance	<a href="#">geico.com/nahb</a> 1-800-369-1448

### AUTO RENTAL

COMPANY	SAVINGS	PRODUCTS	INFO
AVIS	Up to 25% off base rates and FREE Preferred Service Membership.	Cars/Rentals	<a href="#">avis.com/nahb</a> 800-331-1322 ext 2000
BUDGET	Up to 25% off base rates and FREE Roadside Assistance.	Cars/Rentals	<a href="#">budget.com/nahb</a> 800-289-4287 ext 62104870
HERTZ	Up to 25% off base rates and 10% Gold membership.	Cars/Rentals	<a href="#">hertz.com/nahb</a> 1-800-2200-CDT/1048

### BUILDING MATERIALS

COMPANY	SAVINGS	PRODUCTS	INFO
LOWE'S	Discount off Local Account Purchases or Business Account. FREE Delivery of \$500 Plus Orders. No Minimum Purchase Using LAF or LBA.	Building Materials	<a href="#">lows.com/nahb</a> 877-357-2448

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## MEMBER SAVINGS PROGRAM *at a glance*

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OFFICE DEPOT	Up to 15% off office supplies and free shipping over \$70	Office Supplies	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000
houzz	10% off trade show booth purchases, 10% off local Marketing Advertising (local, business-to-business) or design services, free hub resources	Marketing Solutions, Building Products	houzz.com/members
CONSTRUCTIONJOBS.COM	20% discounts on standard rates	Job Postings	1-800-223-0000 ext. 2000 800-257-0344
210 HOME BUYERS WORORITY	Save 10% on title insurance products and services	Home Warranty	1-800-223-0000 ext. 2000 800-282-1550
LTL SHIPPING	Flat rate 2-day (g., 42%) discount on odd-lot shipping, 25% for ground commercial accounts	Business Shipping	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000
ABC FREIGHT	At least 10% off Less Than Truckload (LTL) shipping over 150 lbs.	Freight Shipping	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000
KABOSSE	\$200 gift card when you qualify for a business line of credit up to \$10,000	Small Business Lender	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000
AMAZON BUSINESS	Additional discounts savings when you open an Amazon Business account	Second Business Kindle Products	amazon.com/memb

### SHOPPING AND ENTERTAINMENT

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SAMS CLUB	One-Year Membership for \$48.88	Business and Retail	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000
CINEMA STARS	Save 10% on top of any cruise specials	Shows, Freshman Seats	nahbandit.com/members/cinemastars
PRO ROOMS	Save off furniture, arrangements and gifts	Home and Gifts	1-800-223-0000 ext. 2000 800-317-8811 ext. 2000

### NAHB ASSOCIATION DISCOUNTS

COMPANY	SAVINGS	PRODUCTS	INFO
INTERNATIONAL BUILDING SHOW	Up to 50% off registration Up to \$2,000 off Super Exhibit Space	Trade Show	buildingshow.com
NAHB	Up to 10% off contract rates	Local	nahb.org/members
HOMELAND ECONOMICS	Up to annual subscription	State and Housing Data	homelandeconomics.com
BUILDERSBOOKS	10% off books, Up to 40% off research	Books	buildersbooks.com
NAHB	Up to 10% off membership, Up to 50% off continuing ed	Education	nahb.org/education

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# *MEMBERSHIP*

**BIA recognizes and appreciates new and renewing members  
Please call them if you are in need of services they provide.**

# Renewing Members

## *WELCOME NEW MEMBERS*

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Technicon Engineering Services, Inc.  
Fresno Plumbing & Heating  
McCormick, Barstow, et. al.  
Assemi Group, Inc.  
Morton & Pitalo, Inc.**

**SUNPOWER CORPORATION**  
Adrian Smith  
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# We're Sorry To See You Go!

**Do you know any of these members? Call and urge them to renew their membership today!**

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on 8/31/2021**

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