



## MEMORANDUM

**To:** Governor's Reopening Advisory Board

**From:** Emerson J. Clauss III, President-Elect HBRAMA

**Date:** May 2, 2020

### Introduction

The Home Builders and Remodelers Association of Massachusetts is a statewide trade association affiliated with both local associations and the National Association of Home Builders. The HBRAMA, whose principal place of business is 465 Waverley Avenue, Suite 421, Waltham, Massachusetts, has more than 1,400 member companies with more than 30,000 employees. The HBRAMA's members all do business in the Commonwealth and are involved in the permitting and development of land for residential uses, as well as the construction of single-family homes, duplexes, townhomes and apartments. Its members are also in the business of remodeling and improving existing single-family homes—including adding accessory dwelling units to such homes.

The women and men of the HBRAMA almost exclusively develop and build housing in suburban and rural locations. They are not the developers or builders of the high-rise condominiums and apartments in Downtown Boston, Cambridge, and other urban locations. They are not "vertical builders" – their employees do not ride an elevator to start work everyday. They are "horizontal builders" whose employees and subcontractors are spread out over a job site, whether it's a two-acre house lot or a twenty-acre subdivision. They also almost exclusively employ non-union labor.

The HBRAMA is grateful for the commitment of the Baker-Polito Administration towards addressing the chronic shortage of new housing production that has exacerbated the high cost of housing in the Commonwealth. That commitment was once again demonstrated by the governor's COVID-19 Order No. 21 issued on March 31, 2020 in which "workers performing housing construction related activities, including construction of mixed-use projects that include housing, to ensure additional units can be made available to combat the Commonwealth's existing housing supply shortage" were deemed "Essential Services."

Suburban home building sites are unique workplaces that can naturally accommodate the CDC's COVID-19 safety protocols. For example, levels of "social distancing" are built into the construction process. Much of the work is done outdoors by tradespersons working individually or in small teams that rarely include more than 2 workers per task, such as site preparation, framing, roofing, or siding

work. Operators of heavy equipment work alone in the cab of a backhoe or bulldozer. Indoor work is also performed by individuals or small teams in well-ventilated spaces and the use of masks and gloves is already common. Portable toilets and wash stations are also frequently provided.

The National Association of Home Builders has issued a detailed “COVID-19 Exposure Prevention, Preparedness, and Response Plan for Construction” for use by its members. In addition, the HBRAMA is developing its own plan that will be even more robust than NAHB’s recommendations given the high rate of infection in Massachusetts, and would be prepared to offer online training and certification to both HBRAMA members and industry non-members. Meanwhile, the association has provided all of its members with a sign to be posted at all job sites to remind workers of COVID-19 guidelines and procedures at job sites. (Attached)

### **Discussion I: Industry level readiness, barriers and enablers**

- Social Distancing: As discussed above, maintaining social distancing at suburban residential developments and individual house sites is feasible. The use of masks for indoor work is already common and can be implemented universally. The use of face coverings for outdoor work often would not be called for because of the distances between most workers—far exceeding 6 feet apart. Builders are already staggering the work of subcontractors who might have in the past be working indoor on a home at the same time (e.g., plumbers, HVAC installers, electricians). The HBRAMA is already providing signage to its members regarding COVID-19 work procedures. In its developing plan, it will require the posting of such signage on every individual home or unit under construction.
- Hygiene Protocols: Homebuilders are providing portable toilets with hand sanitizers on job sites. Wash stations can easily be accommodated. Equipment can be sanitized each evening and the following morning.
- Staffing and Operations: The HBRAMA and its members participated in a national COVID-19 safety stand down on April 16, 2020 sponsored by the NAHB. This program urged homebuilders to pause work on that day to review COVID-19 guidelines and procedures with all employees. Materials were distributed in both English and Spanish. Our developing plan will require builders to appoint a designated COVID-19 safety officer at every job site to ensure that both employees and subcontractors adhere to those guidelines each day.
- Cleaning and Disinfecting: All common surfaces within a home under construction such as doorknobs can be cleaned daily, as well as all equipment.

### **Discussion II: Industry level readiness, barriers and enablers**

- The homebuilding industry as characterized by the HBRAMA’s membership is largely following the Department of Public Health’s guidance already for operating in a manner that reduces the possible spread of the coronavirus. It is moving quickly to fully implement all elements of that guidance, as will be set forth in the protocols we are developing.
- There are no significant barriers to suburban homebuilders in meeting the DPH guidance. The HBRAMA is not aware of any problems with its members acquiring masks, gloves and other appropriate protective gear, although theft of disinfecting hand cleaner appears to be common among the jobsites.
- The enforcement of safe construction practices is the responsibility of local building officials. It is critical that those municipal building departments that have temporarily halted all inspections immediately resume them. Alternate means of inspection should be utilized

(photographic and/or video inspections; certified qualified third-party inspection) wherever possible if adequate staffing is not available.

### **Discussion III: Industry re-open preparation and support**

- The residential construction as conducted by the members of the HBRAMA can implement necessary safety protocols almost immediately.
- As discussed previously, the National Association of Home Builders has already developed a guidelines and procedures for residential construction sites.
- While “housing construction related activities” have been deemed “Essential Services,” many cities and towns continue to prohibit such work or narrowly interpret the governor’s order. For example, the City of Newton has deemed the teardown of an existing house and the building of a new one on the same site as not creating a new unit of housing and therefore refusing to issue building permits and in some instances issuing stop work orders.

Other communities are prohibiting the construction of accessory dwelling units as not “essential.” Some towns are banning remodeling work on existing homes even where the work involves the installation of kitchens, bathrooms or roofs—all elements of a home that are essential to habitability.

The primary justification put forth by local officials and building commissioners for these actions is their view that it cannot be done in a manner that adequately protects the health of workers on a job site, the general public or the occupants of a dwelling, notwithstanding that in almost all cases builders are following CDC recommendations.

The HBRAMA believes that were the Reopening Advisory Board to include specific guidelines for single-family, duplex, and townhome construction, as well the remodeling of such dwellings, as part of its recommendations for reopening the economy, it would substantially ameliorate the concerns of those communities and result in more consistent compliance with both the letter and spirit of the governor’s order regarding “housing construction related activities.”

In this regard, the HBRAMA will be shortly submitting to the Reopening Advisory Board a robust “COVID-19 Exposure Prevention, Preparedness, and Response Plan for Single-Family, Duplex, Townhome and Remodeling Construction in Massachusetts” for its consideration.