



June 29, 2020

Senator Patricia Jehlen, Senate Chair
Representative Stephan Hay, House Vice Chair
Joint Committee on Labor and Workforce Development
State House, Room 424
Boston, MA 02133

Re: H. 4745, An Act providing hazard pay for essential workers in the COVID-19 Emergency
H. 4740, An Act relative to emergency health benefits for essential employees

Dear Senator Jehlen and Rep. Hay:

On behalf of the Home Builders and Remodelers Association of Massachusetts (HBRAMA), I write to express our strong opposition to House Bill No. 4745 and House Bill No. 4740. The HBRAMA is the statewide trade association for the residential construction industry in Massachusetts with more than 1,400 member companies. Our members build single-family homes, townhomes and apartments. Increasingly, they are also involved in the remodeling and improving of existing single-family homes.

On March 23, 2020, Governor Baker declared “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)” as “COVID-19 Essential Employees.” That order was later revised on March 31, 2020 by COVID-19 Order No. 21 limiting construction to only those “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.”

The suburban sites where most of the members of the HBRAMA build are unique workplaces that naturally accommodate the Center for Disease Controls 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 two workers per task, such as site preparation, framing, roofing, or siding work. An operator of heavy equipment works alone in the cab of a backhoe or bulldozer. Work done indoors is performed by individuals or small teams in well-ventilated spaces and the use of masks and gloves was already common prior to the coronavirus pandemic. Portable toilets and wash stations are typically provided.

The National Association of Home Builders issued a detailed “COVID-19 Exposure Prevention, Preparedness, and Response Plan for Construction” for use by its members at the outset of the novel coronavirus pandemic. The HBRAMA, however, developed a “COVID-19 Exposure Prevention, Preparedness, and Response Plan for Residential Construction and Remodeling in Massachusetts” that is even more robust than NAHB’s recommendations due to the high rate of infection locally. And the HBRAMA currently offers an on-line training course that allows its members to become Certified COVID-19 Safety Leads for every job site. The state Board of Building Regulations and Standards have approved that course for credit towards the continuing education requirements for construction supervisor licenses.

In considering H. 4745 and H. 4740, the committee should be aware of the following:

- 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 was already common and has been implemented universally. The use of face coverings for outdoors work is often not be called for because of the distances between most workers – far exceeding 6 feet apart. Builders have staggered the work of subcontractors who might have in the past be working indoors on a home at the same time.
- Hygiene Protocols: Homebuilders are providing portable toilets with hand sanitizers on job sites. Wash stations are easily accommodated. Equipment is 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 16th 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 safety plan requires 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 are cleaned daily, as well as all equipment. 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 has occurred at some the jobsites.

Most of the member companies of the HBRAMA are small businesses and cannot afford to pay their employees time and a half to keep working as an “essential worker.” The cost of labor, material and land has already made Massachusetts one of the least affordable states to own a home. The mandates of H. 4745 would raise the cost of a new home beyond the reach of all but the affluent. To be required to retroactively pay time and a half compensation for jobs already completed or contracted for will result in economic ruin for many homebuilders and remodelers.

The requirements of these bills place an unfair burden on our members, as they could not have anticipated these extra costs and accounted for them in pricing jobs currently under construction.

Further, deeming COVID-19 a work-related illness by default will have a huge detrimental impact on workers compensation rates in the future and will add significant costs to an already burdened industry. It is not logical to presume an infected person was infected at work when that person spends more than 2/3rds of their time away from work. Mandating that employers be responsible for unlimited and undefined “emergency health benefits” is unreasonable.

Moreover, it would be difficult to substantiate the origins of infection, especially when construction industry workers are engaged in activities outside of work that are much more likely to expose them to COVID-19 (e.g., going to a grocery store or restaurant). It should not be the responsibility of a homebuilder if their employee chooses to be socially irresponsible and does not wear a face covering when not on the job.

Our employees largely work outdoors where the risk of exposure to the novel coronavirus is low. They are provided required PPE, cleaning and sanitation supplies. Trucks and equipment are cleaned multiple times a day. Employees self-certify their health and are required to go home or not report to work if feeling sick. When employees are off-duty, our members have no control over them and their activities.

Throughout this pandemic, homebuilders and remodelers made extraordinary efforts to maintain a safe workplace for their employees. Imposing the huge financial costs that would result from these bills could drive many homebuilders out of business and deny thousands of Massachusetts residents their opportunity to live in safe, decent and affordable housing.

For these reasons, we respectfully urge the Joint Committee on Labor and Workforce Development to recommend H. 4745 and H. 4740 “ought not to pass.”

Thank you for your consideration of our views.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Anderson', with a stylized, flowing script.

Matthew Anderson
President