

Briefings

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Riding Out the Storm

BUILDERS' INTERESTS PROTECTED BY COURT'S DECISION TO KEEP THE PUBLIC OUT OF THE GENERAL PERMIT PROCESS.

BUILDERS CAN BREATHE A SIGH OF relief. The 7th U.S. Circuit Court has upheld the Environmental Protection Agency's general permit program. In a unanimous decision, the court ruled that a public review of stormwater management plans created under the general permit program is unnecessary. The court further clarified its decision by stating that the Clean Water Act's requirements for public notice and public hearing were inapplicable because the public already was given the chance to take part in the development and issuance of the general permit.

R. Timothy McCrum, one of the attorneys involved in the case, says "It is a significant ruling because it upholds the general permit practice that's been in place for over a dozen years." A partner with Crowell & Moring, McCrum represented the NAHB and the Wisconsin Builders Association—who were intervening respondents in the case—against petitioners.

An alternate decision would have been detrimental to home builders. "It would've

been a huge problem, creating enormous permitting backlog and delays," says McCrum. "It would've required an extraordinary increase in government regulating staff, and even then they wouldn't have been able to deal with the flood of permits."

An estimated 100,000 sites go through the general permitting process each year, which includes both federal and state approved programs. That number reflects a steady increase in the number of sites during the past five years. The growth is partially attributed to the fact that permits are now required for smaller lots. The cutoff dropped from five acres to one acre, thus requiring builders to obtain more permits than they had previously.

McCrums also says the case was a serious challenge to the general permit process because in two other cases involving related issues but not the construction industry, federal courts had ruled for the environmental groups. "We were pleased when the 7th Circuit Court didn't follow those trends," he says.

Viva Las MAME

This year, family owned Van Metre Homes has more to celebrate than just its 50th year in business. The company vanquished the MAME Awards competition by pulling in 14 awards. Three Van Metre communities garnered the most attention. Stone Ridge, a master planned community in Loudoun County, Va., won six awards, while the Broadlands in Ashburn, Va., and the resort-style community Lansdowne in Leesburg, Va., each received two awards. The three communities also won an



Award of Merit for best direct mail.

Beazer Homes came in second, receiving eight awards across various categories. Winchester Homes, a subsidiary of Weyerhaeuser Real Estate Company, and K. Hovnanian tied for third with seven awards each.

The awards honor those responsible for providing the best new home sales achievement and marketing efforts in the Washington, D.C., metropolitan area. The complete list of honorees is available at www.wmsmcmame.com

Spanish Success

Taking the lead from builders such as KB Home and Beazer, Builder Homesite upped its Hispanic marketing effort through the creation of Casasnuevasaqui.com. The Web site gives Hispanic home buyers a searchable database—in Spanish—of new home listing from top builders. Since the site's launch at the end of 2004, Builder Homesite estimates that more than 1,500 new communities have been listed. The initiative has proved strategic, the consortium's COO Melissa Norman said, noting traffic to the site has increased as well.