

Constitution



By-Laws



Policy Manual



The Home Builders Association
serving Portage & Summit
Counties

The HBA Serving Portage & Summit Counties
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CONSTITUTION

Article I Name and Location

Sec. 1. The name of this Association shall be The HBA Serving Portage & Summit Counties.

Sec. 2. The principal office of the Association shall be located at Akron, Ohio, or such other place as the Board of Trustees may from time to time designate.

Article II Territorial Jurisdiction

Sec. 1. This Association shall operate for the benefit of home builders and persons, firms and corporations engaged in allied trades, industries, business and professions of *Portage and Summit Counties*.

Article III Objectives

Sec. 1. The primary objective of this Association shall be to serve its members as follows:

1. To associate home builders operating within the above described territorial jurisdiction for the purpose of the improvement and promotion of the home building industry.
2. To cooperate with all branches of the home building industry including manufacturers, dealers and financial institutions within the jurisdiction of this Association for the purpose of mutual advantage and for the benefit of the industry as a whole.
3. To promulgate and enforce a Code of Ethics and Standards to maintain high professional standards and sound business methods of the industry and among its members.
4. To secure cooperative action in advancing the common purposes of its members and in the industry.
5. To function as a local affiliated association of the National Association of Home Builders of the United States and the Ohio Home Builders Association within the above described territorial jurisdiction.
6. To assist the Officers, Board of Trustees, and the Membership Committee of the National Association of Home Builders of the United States and the Ohio Home Builders Association in qualifying members operating within the above described territorial jurisdiction.
7. To assist in the accomplishment of the mutual objectives of the National Association of Home Builders of the United States and the Ohio Home Builders Association.
8. To participate for the purpose of mutual benefit in an interchange of information and experience with all other local affiliated associations of the National Association of Home Builders of the United States and the Ohio Home Builders Association.

Article IV Code of Ethics and Standards for HBA Members

Sec. 1. Membership in The HBA Serving Portage & Summit Counties shall be limited to those persons and firms who shall subscribe to the following Code of Ethics.

HBA members pledge allegiance to the following principles and standards:

1. We hold inviolate the free enterprise system , the American way of life and private property rights as prescribed in the United States Constitution. We pledge our support to fellow members, our national and state associations and all related industries that are concerned with the preservation of these legitimate rights and freedoms.
2. Home ownership can and should be within reach of every American.
3. All homes should be well designed, constructed and placed in communities accessible to all.
4. Our paramount responsibility is to our customer, community and country.
5. HONESTY is our guiding standard.
6. Members shall deal FAIRLY with other members and consumers.
7. ADEQUATE standards of health and safety shall be built into every home.
8. All member sales presentations will be done in a truthful manner.
9. Written contracts should be used by all members.
10. Members will fulfill their contractual obligations.
11. Work will be done to applicable codes and in a manner compatible with accepted industry standards and practices and the NAHB Residential Construction Performance Guidelines.
12. Members agree to settle any consumer or member to member disputes through The HBA Dispute Resolution Policy.
13. A member may use The HBA logo only as long as he or she is a member in good standing.

We accept these standards freely and solemnly, mindful that they are part of our obligations as members of The Home Builders Association Serving Portage & Summit Counties.

Prospective Member's Signature _____

Date _____

HBA Fax # 330-869-5506

Article V Amendments

Sec. 1. This Constitution may be adopted or amended by a vote of two-thirds (2/3) of the total number of designated voting members of the Board of Trustees, at any Board Meeting and provided further that a copy of the proposed amendments shall have been mailed to each member of the Board not less than five days prior to the meeting at which action is to be taken thereon.

Sec. 2. PROXIE VOTING

1. All proxies must be announced by the presiding officer before the vote in question is called for. Any member of the Board of Trustees may, by an instrument in writing, bearing a date not more than thirty (30) days in advance of the meeting, designate another Trustee to vote for him in his place and stead.

BY-LAWS of The Home Builders Association Serving Portage & Summit Counties

Article I Membership

Membership in the Association shall be of five classifications:

Builder Membership	Associate Membership	Student Membership
Tradesman Membership	Affiliate Membership	

Sec. 1. Definition and Requirements for Builder membership:

BUILDER MEMBERSHIP

Builder Membership shall be open to any individual, proprietorship, partnership, or corporation engaged in the business of building or restoring single family housing, multi family apartment units, school buildings, commercial buildings, industrial buildings, or other structures normally related and appurtenant to a community, or in the business of land development within the territorial jurisdiction of the Association. The Builder member applicant must satisfy the requirements for membership as set forth in the Association Constitution, By-Laws and Policy documents, and as amended from time to time. Furthermore, said applicant will ascribe to the Association's principle goal to deliver quality products to the marketplace, as an approved HBA Builder Member.

Sec. 2. Definition and requirements for Tradesman memberships:

TRADESMEN MEMBERSHIP

Tradesmen membership shall be open to any person, firm or corporation engaged in an allied construction trade, within the territorial jurisdiction of this Association and shall agree to abide by the provisions of this Association Constitution, ByLaws and Policy as amended from time to time.

Sec. 3. Definitions and requirements for Associate memberships.

ASSOCIATE MEMBERSHIP

Association Membership shall be open to any person, firm or corporation engaged in providing a product, service or benefit to the Association or any member of the Association within the territorial jurisdiction of this Association and shall agree to abide by the provisions of the Constitution, ByLaws and Policy as amended from time to time.

Sec. 4. Definitions and requirements for Affiliate memberships.

AFFILIATE MEMBERSHIP

Affiliate Membership shall be open to any employee of an HBA Member. An affiliate member will not have voting privileges. Affiliate Members will receive all HBA publications and mailings and can avail themselves of all other HBA services, including those benefits afforded to State and National Affiliate Members. Affiliate members may serve as HBA Officers and Trustees only as a representative of The HBA member company. There will be no initiation fee attached to Affiliate Membership.

Sec. 5. Definitions and requirements for Student memberships.

STUDENT MEMBERSHIP

Student Membership shall be open to any full time College, High School or Vocational Student as approved by the HBA Board of Trustees. A student member will not have voting privileges. Student Members will receive HBA notices on General Meetings, the HBA Intercom and other communications of interest to students. They may also participate in HBA group service programs if they meet the service provider qualifications. State & National membership will be optional upon their election. They shall not serve as HBA Officers or Trustees. There will be

no initiation fee attached to Student Membership.

Sec. 6. MEMBERSHIP IDENTIFICATION

All members, upon joining the Association, shall receive a membership plaque. All members may use the National Association of Home Builders, Ohio Home Builders Association and The HBA Serving Portage & Summit Counties logo in their advertising and other printed materials as long as they are current members of the Association. If their membership is cancelled they must immediately cease from the use of said logos.

Sec. 7. APPLICATIONS FOR MEMBERSHIP:

Applications for membership in this Association shall be made to the Membership Committee and processed in the following manner:

1. Candidate shall submit his application in writing on a form supplied by this Association containing an agreement to abide by the Constitution, ByLaws and Policy and observe the Code of Ethics and Standards of this Association.
2. The Membership Committee shall investigate all applications and make their recommendations to the Board of Trustees. The Board of Trustees shall be vested the exclusive right to elect to membership, pending the 30 day waiting period after publication in the INTERCOM.

Sec. 8. THE INITIATION FEE/DUES PAYMENT

1. The Initiation and annual dues of this Association shall be payable at the time of application for membership. Annual dues will be due on each anniversary month of the date of acceptance into the Association. The Initiation Fee and the annual dues paid will be returned if a membership application is not approved. The Board of Trustees shall from time to time determine the amount of the annual dues and the initiation fee.
2. Any amount, as determined and reviewed annually by the Board of Trustees will be deducted from each dues payment and allocated to the Industry Advancement and Advocacy Fund. The purpose of which is described in Article VII, Sec. 1, Item 4 of these ByLaws.

Sec. 9. REJECTION:

Application for membership may be rejected for the following reasons by the Board of Trustees:

1. Any former member whose membership was suspended or revoked for failure to abide by the Code of Ethics and Standards, ByLaws and Policy of this association, or who resigned during any Ethics Committee proceeding.
2. A former member who either resigned or failed to renew annual dues and still has an unpaid balance owing the Association.
3. An applicant who has a recorded history of unsolved client complaints; suits of nature indicating poor management practices in dealing with clients, subcontractors, and suppliers.
4. If membership is rejected, said member shall be apprised of his or her right to appeal such rejection within thirty (30) days. The Executive Committee shall hear the appeal and decide by a two thirds vote. The action of the Executive Committee shall take place within sixty (60) days of said rejection. Executive Committee members who also have voting positions on the Board of Trustees will abstain from voting on a membership rejection appeal vote.

Sec.10 SUSPENSION AND REVOCATION

Suspension and revocation in this association shall be accomplished in the following manner:

1. Any suspension or revocation action will be brought to the Ethics Committee for review. They will then make

recommendations to the Executive Committee. The Executive Committee has the authority to, and may suspend or revoke the membership of any member for failure to meet financial obligations to the Association, or for conduct detrimental to this Association.

- a. Any member that is suspended will be placed in an "Inactive Member" status. An Inactive Member is ineligible to participate in certain HBA promotional events, functions or programs. Included in the above is the Parade of Homes, Best Homes Competition, and any award ceremonies or competitions. An Inactive Member is eligible to participate in all other member services and educational programming.
- b. All Inactive Memberships should be reviewed by the Ethics Committee every six months, or on demand. If the action causing the Inactive Membership is not remedied before the time period, the membership status/suspension will lead to revocation. Any member that lets their membership lapse while under this status will fall under the policy of membership reinstatement.

2. If membership is revoked, said member shall be apprised of his or her right to appeal such revocation within thirty (30) days. The Board of Trustees shall hear the appeal and decide by a two thirds vote. The action of the Board of Trustees shall take place within sixty (60) days of said revocation. Executive Committee members who also have voting positions on the Board of Trustees will abstain from voting on a membership revocation appeal vote.

Sec. 11. MEETINGS OF THE MEMBERSHIP AND COMMITTEES:

1. At least nine (9) regular meetings of the membership of this association shall be held annually. Other monthly meetings may be held at the discretion of the Board of Trustees.
2. An annual Inaugural Dinner Meeting shall be held each year in December or the following January for the purpose of inaugurating new officers and trustees and to recognize those who in the past year have rendered outstanding service to the Association.
3. Special meetings of the membership of this Association may be called at any time by the President or the Board of Trustees.
4. Meetings of Standing Committees, Special Committees, Sub Committees, Task Forces and Councils of the Association may be called on a regular schedule or on special occasions by the Chairman of any Committee or Council.
5. Whenever possible, notice shall be given of the date, hour, and place of all meetings in writing at least five (5) days in advance.

Article II Fiscal Year

Sec. 1. The fiscal year of this Association shall be the calendar year.

Sec. 2 The Trustees may waive the initiation fee by a majority vote of the Board. Any member who does not pay their annual dues within two (2) months after the last day of their anniversary month will have their membership cancelled.

Article III Board of Trustees

Sec. 1 The Board of Trustees shall not exceed 27 including the Chairman of all active Councils and the Chairperson of the Ambassadors Club.

1. All Board of Trustees shall serve a one (1) year term commencing on their date of installation, except those who serve a two (2) year term.

Sec. 2. PRESIDENTIAL APPOINTMENTS

The President of the Association shall appoint up to eight Trustees to serve on the Board of Trustees for a one year period. Two appointees will be Builder members. Two appointees will be Portage County representatives, one of which will be a Builder member. One appointee will be an Associate member. Two appointments and their membership class will be at the sole discretion of the President. THE FINAL APPOINTMENT WILL BE A REPRESENTATIVE OF THE FIVE COUNTY BUILDING OFFICIALS ASSOCIATION (FBOA). THE HBA PRESIDENT HAS THE RIGHT TO ACCEPT AND APPOINT THE FBOA REPRESENTATIVE. These appointments shall be made subsequent to the election of Trustees by the membership, but prior to the first meeting of the new Board of Trustees.

Sec. 3. VACANCIES ON THE BOARD OF TRUSTEES

1. Vacancies on the Board of Trustees shall be filled by appointment of the President subject to the approval of the Board of Trustees.
2. Vacancies of Senior Officers will be filled by having the officer next in succession move up to fill the vacancy. The open position will be filled by an appointment of the Executive Committee. The appointee will be selected from a member of the Board of Trustees. The appointee will assume this office until the next general election. This appointee will be approved by the Board of Trustees.

Sec. 4. MEETINGS OF THE BOARD OF TRUSTEES

1. Meetings of the Board of Trustees of the Association shall be held prior to the Annual Inaugural Meeting of the Membership for the purpose of considering the results of the election.
2. Regular Meetings of the Board of Trustees shall be held monthly or such other times as the Board may direct.
3. Special Meetings of the Board of Trustees may be called by the President or upon formal request in writing by three of its members.
4. Whenever possible, all meetings of the Board of Trustees will be scheduled with a written notice at least five (5) days in advance and such notice will contain the date, hour and place of the scheduled meeting.

Sec. 5. THE BOARD OF TRUSTEES

1. The Board of Trustees shall have the control and management of the business, funds, and property of the Association subject only to the action of the members in meeting assembled. It may adopt By-Laws not inconsistent with these By-Laws and the Constitution; it may promulgate and enforce rules governing the use of the property and privileges of the Association, and may fix and determine the number and kinds of memberships and the amount of initiation fees and dues to be assessed each member.
2. Failure to provide acceptable reason for missing three consecutive meetings of the Board of Trustees shall be cause for inquiry by the Executive Committee and possible recommendation to the Board for replacement.

Sec. 6. NATIONAL TRUSTEES

1. One Builder Member shall be elected by the Executive Committee at their November Meeting to represent each 50 Builder members of this Association, or fractional part thereof on the Board of Trustees of the National Association of Home Builders of the United States in accordance with the ByLaws of that Association. One Alternate Director shall also be elected as prescribed herein to act as outlined above in the absence of the National Director.

Sec. 7. STATE ASSOCIATION TRUSTEE

1. One Builder Member shall be elected by the Executive Committee at their November Meeting to represent each 25 Builder members, or fraction thereof on the Board of Trustees of the Ohio Home Builders Association. One Alternate Trustee shall also be elected as prescribed herein to act as outlined above in the absence of the State Trustee.

Article IV Officers

Sec. 1.

1. The President who shall be the chief officer of the Association and shall preside at its meetings and the meetings of the Board of Trustees and Executive Committee. He shall appoint all committee chairmen, shall be an ex-officio member of all committees, councils and clubs, and shall perform all other duties usual to such office.
The President will also preside over the HBA's Government Affairs and Governance division.
2. A Vice president who shall, in the absence of the President or upon his direction, perform all of the duties of the President. He shall serve on the Executive Committee and will chair the Public Relations Committee.
The Vice President will also preside over the HBA's Membership and Member Services division and its Communications division.
3. A Secretary/Treasurer who shall be responsible to the Association for accounting of all monies collected and disbursed by the Association and shall render a quarterly and annual statement to the Board of Trustees. He shall be responsible for the keeping of records of all the official proceedings of this Association and its Board of Trustees, including the reports of special committees. He shall serve on the Executive Committee.
The Secretary/Treasurer will also preside over the HBA's Finance and Operations Division.
4. *Immediate Past President shall be responsible to provide Counsel to the Seniors Officers. He shall also preside over the HBA's Education Division and serve as Chairman of the Nominating Committee.*

- Sec. 2.** The following administrative offices and staff may be employed by the Board of Trustees at such rate of compensation as they deem fair and proper.

1. An Executive Vice President who shall serve as the chief administrative head of this Association.
 - a. **Duties:** It shall be the duty of the Executive Vice President to supervise the entire staff and perform such other duties as may be delegated to him by the Board of Trustees, the Executive Committee or the President, and all other duties usual to such office.
 - b. The Executive Vice President shall be empowered to employ an adequate staff to carry on the business of this Association as instructed by the Board of Trustees, at such rates of compensation as the Executive Committee with the approval of the Board of Trustees may deem fair and proper within the limitations of the annual budget.

Sept. 2007

Article V Voting, Proxies and Quorum

Sec. 1. THE VOTING PRIVILEGE SHALL BE LIMITED AS FOLLOWS:

1. Only members in good standing shall have the right to vote. Firms, Corporations and Partnerships holding a Membership shall be entitled to only one (1) vote to be cast by a duly designated representative.
2. At meetings of the Board of Trustees only members of the Board shall have the right to vote.

Sec. 2. VOTE MAY BE CAST BY PROXY IN THE FOLLOWING MANNER:

1. Any Member entitled to vote, may by an instrument in writing bearing a date not more than thirty (30) days in advance of the meeting, designate another member to vote for him in his place and stead.
2. All proxies must be announced by the presiding officer before the vote in question is called for. Any member of the Board of Trustees may, by an instrument in writing, bearing a date not more than thirty (30) days in advance of the meeting, designate another Trustee to vote for him in his place and stead.

Sec. 3. A MAJORITY VOTE ON ANY MEASURE WILL BE DETERMINED AS FOLLOWS:

1. A vote of more than one-half (1/2) of the members present at any meeting of the membership shall carry any measure provided the number of members in attendance at the meeting constitutes a quorum.
2. A vote of more than one-half (1/2) of the Trustees present at any meeting of the Board of Trustees shall carry any measure provided the number of Trustees in attendance at the meeting constitutes a quorum.

Sec. 4. A QUORUM PRESENT AT ANY MEETING SHALL BE DETERMINED AS FOLLOWS:

1. A quorum of the membership shall consist of not less than one-fifth (1/5) of the members of this Association.
2. A quorum of the Board of Trustees shall consist of not less than one-half (1/2) of its members.

ARTICLE VI Elections

Sec. 1. RESPONSIBILITIES OF THE NOMINATING COMMITTEE

1. The Nominating Committee report shall contain the results of the official mailed out ballots, and be presented at the November Trustees meeting. The Board of Trustees will ratify the positions of President and Vice President.
2. The HBA President will appoint 5 members to the Nominating Committee by August 15 of the current year. The composition of the Nominating Committee will be: Two (2) Builder members, one of whom will be the Vice President, one (1) Tradesman member, and one (1) Associate member and the immediate Past President, who will serve as Committee Chair. They will serve no more than two (2) consecutive one (1) year terms.
3. Must meet no later than October 1st and present a slate of officers at the October Board of Trustees meeting.
4. Will solicit by notice in the Intercom and consider all recommendations as candidates for each office of Trustees to be filled.
5. Prepare and send to all current members an official ballot at least sixty (60) days prior to the calendar year.
6. The ballot will contain:
 - a. One (1) or more candidates for the position of Secretary/Treasurer, designating that one will be elected. When more than one (1) candidate runs for Secretary/Treasurer, the candidate receiving the second

- highest number of votes is to be elected to the Board of Trustees for a period of two (2) years.
- b. Four (4) or more candidates will be nominated for the positions of Builder Trustees. No more than four (4) will be elected.
 - c. The Builder Trustee receiving the highest number of votes will serve a two (2) year term. The other elected Builder Trustees will serve one year terms.
 - d. Two (2) or more candidates will be nominated for the positions of Tradesmen Trustees. No more than two (2) will be elected for a one (1) year term.
 - e. Two or more candidates will be nominated for the positions of Associate Trustees. No more than two (2) will be elected for a one (1) year term.
7. Obtain the consent of each candidate before placing his/her name on the ballot.
 8. Count and tally the votes and present the election results to the Board of Trustees.

Article VII Committees

Sec. 1. THERE SHALL BE THE FOLLOWING COMMITTEES APPOINTED BY THE PRESIDENT.

1. The Executive Committee shall consist of: The President, Vice President, Executive Vice President, Secretary/ Treasurer, Immediate Past President, and two (2) Portage County representatives. A Builder member of the Board of Trustees, and an Associate or Tradesman member of the Board of Trustees shall be appointed by the President to serve on the Executive Committee. This committee shall conduct the affairs of the Association in accordance with the Constitution and By-Laws, Policies and instruction of the Board of Trustees. It shall be the policy and steering committee of the Association, and shall be responsible for establishing a budget for financing the Association, and for all matters of policy and public statement, subject to the approval of the Board of Trustees. ***The Executive Committee shall also serve as the Governance division of the HBA. This division will oversee the other five HBA divisions: (Finance & Operations, Government Affairs, Education, Membership and Membership Services and Communications). The Governance division will have immediate oversight over Finance and Budget, Ethics, Facilities, Nominating and Recommendations and Endorsements.*** This Committee shall meet upon the call of the President or any three (3) of its members stating the time and place of the meeting. Three (3) members shall constitute a quorum.
2. The Membership Committee shall be composed of eight (8) or more members and shall meet upon call of the Chairman. One-half of the members shall constitute a quorum. In addition to building the membership, it shall have the responsibility of investigating any or all applications for membership and recommending action to the Board of Trustees. The Ambassadors Club shall be an adjunct of the Membership Committee.
3. The Ethics Committee shall be composed of not less than three (3) members appointed by the Chairman. This committee shall have the duty to review and investigate any and all ethical complaints considered to be possibly valid within the definitions and operational guidelines established for the committee. The committee shall have the duty of reporting any and all failures in compliance to the Executive Committee. The committee shall diligently protect the credibility of this Association's Code of Ethics and Standards of this Association. The interpretation of the duties of this committee shall be determined by the committee.
4. The Industry Advancement, Advocacy and Advisory Committee exists to financially support actions which will benefit the housing and building industry. Funding for the Committee will come from the IAAC Fund, which is addressed in The HBA ByLaws.

Requirements for IAAC financial requests are on file with The HBA Executive Vice President.

5. Other Committees - There shall be such other committees as may be designated by the Board of Trustees, the President, or the Executive Committee. The Chairman of which shall be appointed by the President.

Article VIII Councils

Sec. 1. Councils may be authorized by the Board of Trustees.

Sec. 2. Chairmen and other officers of councils shall be elected by the council membership.

Sec. 3. Councils may be authorized for the purpose of providing specialized services to special interest groups within this Association.

Sec. 4. The activities and finances of the Councils shall be managed by a Board of Trustees.

Sec. 5. The Councils shall operate subject to their Rules of Procedure or ByLaws which shall be adopted and may be amended by the Council membership, subject to approval by the Association's Board of Trustees.

Article IX Finance

Sec. 1. Dues and other monies collected by this Association shall be placed in a depository selected by the Executive Committee and payments from the funds of this Association shall be made on the signature of the Secretary/Treasurer, President, or Executive Vice President, with signatures of any two of the three required.

Sec. 2. The Board of Trustees shall adopt a budget for each calendar year no later than the second meeting of the Board following the Inaugural Meeting. This Association shall function within the totals of such budget. Any expenditure in excess of such budget must be authorized by the Board of Trustees.

Sec. 3. The Executive Vice President shall prepare for the Secretary/Treasurer a monthly record of all expenditures for presentation to the Executive committee. The Treasurer shall report to the Board of Trustees.

Sec. 4. The Executive Vice President shall prepare and present to the Board of Trustees a six month statement of Budget Comparison.

Sec. 5. The Executive Vice President, and members of the staff who have access to the funds of this Association shall be covered under the association liability policy at the expense of the Association in such amount as the Board of Trustees shall determine.

Sec. 6. At the direction of the Board of Trustees, an audit of the finances of this Association together with a report from the Secretary/Treasurer will be prepared and submitted to the Board.

Sec. 7. The Board of Trustees may vote to authorize the creation of reserve funds for the future operation of the Association. Such funds may be managed as authorized by a vote of the Board of Trustees.

Article X Notices

Sec. 1. Members and Trustees shall furnish the Executive Vice President with their official address and the mailing of any notice to such address shall be deemed service of such notice or notices upon them as of the date of mailing the same.

Article XI Rules of Procedure

Sec. 1. Roberts' Rules of Order shall govern the procedure of all meetings of the Association, except where in conflict with these ByLaws.

Article XII Amendments

Sec. 1. These ByLaws may be adopted or amended by a vote of more than one-half (1/2) of the entire Board of Trustees at any meeting, provided that a copy of the proposed amendments shall have been mailed to each member of the Board not less than five (5) days prior to the meeting at which the action is to be taken thereon.

HBA POLICY MANUAL

An Administrative Document to Facilitate the Constitution and ByLaws

These Policies reflect day to day operations of the Association and the Policies of the Association as approved by and administered by the Board of Trustees.

These Policies will be in agreement with the HBA Constitution and By Laws.

INDEMNIFICATION

The Association shall indemnify any Trustee, Officer, Committee member or employee of the Association who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he is or was a Trustee, Officer, Committee member or employee of the Association, against expenses (including, without limitation, attorney's fees, filing fees, court reporters' fees and transcript costs), judgements, fines and amounts paid in settlement actually and reasonable incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he responsibly believed to be in or not opposed to the best interest of the Association, and with respect to any criminal action or proceeding, if he had no reasonable cause to believe his conduct was unlawful. A person claiming indemnification under this Article shall be presumed, as it relates to any act or omission giving rise to such claim for indemnification, to have acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Association, and with respect to any criminal matter, to have had no reasonable cause to believe his conduct was unlawful, and the termination of any action, suit or proceeding by judgment, order, settlement or conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, rebut such presumption.

The Board of Trustees may, in their discretion, extend the indemnification obligations of the Association as set forth in this Article to Trustees, Officers, Committee members, employees and/or members of any entity affiliated with the Association by ownership and/or sponsorship.

Reapplication and Reinstatement of Lapsed or Revoked Memberships

This policy will apply to any former HBA member, whose membership has been revoked or has let his or her membership lapse while outstanding complaints are filed against it, and wishes to reapply and be reinstated as an HBA member.

TIME PERIOD:

Any revoked HBA member must wait a two year period from the time of this revocation before he or she can reapply for HBA membership.

CRITERIA FOR REAPPLICATION:

1. The applicant must produce evidence that the original complaint was satisfied.
2. The applicant must produce evidence demonstrating that there are no existing claims between the applicant and the client.
3. The applicant must produce documentation of any customer claims currently outstanding.
4. The Membership Committee once receiving the application, will check, not only amongst itself, but also with outside sources such as, the Better Business Bureau and local building departments to verify the business conduct of the applicant for the previous two year period. The applicant will be apprised of the results of this investigation in order for the applicant to be allowed to respond to these findings.
5. If the reapplication is denied by the Board of Trustees then that applicant must wait a period of one year before he can re-submit an application for membership.
6. If a member is revoked a second time from the Association then that member is considered permanently revoked and no further re-submittals of an application will be accepted by the HBA Board of Trustees.

DEFINITION OF REAPPLICANT:

- * The reapplicant or reapplicants are the individuals who were principles in the company whose membership was suspended or revoked. The reapplicant may also be equal or majority partners of the reapplying company.

Revised 2/11/98

Builder Membership Policy:

Builder Membership shall be open to any individual, proprietorship, partnership, or corporation engaged in the business of building or restoring single family housing, multi family apartment units, school buildings, commercial buildings, industrial buildings, or other structures normally related and appurtenant to a community, or in the business of land development within the territorial jurisdiction of the Association. The Builder member applicant must satisfy the requirements for membership as set forth in the Association Constitution, ByLaws and Policy documents, and as amended from time to time. Furthermore, said applicant will ascribe to the Association's principle goal to deliver quality products to the marketplace, as an approved HBA Builder Member.

- 1. The Builder member applicant** must first and foremost agree to subscribe to the Association Code of Ethics and Standards.
- 2. The Builder member applicant** must agree to offer his customers and clients a written contract and a written warranty at least as comprehensive as the one developed by the Association and as modified by the Association from time to time. The contract must include a dispute resolution clause, which explains the procedure for mediation and arbitration of any dispute, which the parties of the contract are not able to resolve between themselves. The recommended, although not mandatory, dispute resolution service is The HBA Serving Portage & Summit Counties/BBB DR Policy. The recommended HBA/BBB DR policy, a signed BBB pre commitment to arbitrate agreement, or an equivalent DR clause must be contained in the Builder's contract and a copy of the builders contract is required with the application for membership.
- 3. A Builder member applicant** shall have at least one principal whose primary occupation is his or her building company and, or must at all times have a full time person whose responsibility is to be in charge of the building operations with sufficient knowledge and experience to do so. The responsibilities of the builder applicant or his employee in charge shall be the following: file applications, deal with clients, explain construction, supervise and instruct subs, scheduling, review and approve work, review bills and authorize payment.
- 4. A Builder member applicant** must have operated his or her building company full time for a minimum of one continuous year prior to making application for membership as a Builder member. If the Builder member applicant has less than one (1) year of full time general contracting experience, and, or (who) has operated for less than one (1) year with the company as named on the HBA application, he or she may be approved as a Tradesman member, and have all privileges and entitlements available to builder members, excluding participation in the Parade of Homes, Best Home Competitions, Builder of the Year and Condominium Shows. After this experience has been achieved, Builder membership will be issued, upon confirmation by the Board of Trustees that all Builder member requirements have been met. An additional upgrade payment to Builder membership shall be paid.
- 5. A Builder member applicant** will provide a) one lender reference b) a minimum of two (2) supplier or sub trade references c) customer names, addresses and phone numbers of the two most recently new or restored homes, or commercial buildings contracted. None of the customers names may be the applicants relatives or employees, (current or former). One significant project may be considered in lieu of the two (2) aforementioned projects. At the Board's discretion HBA representatives may view an applicant's project(s) for evaluation. The findings will be reported to the Board.
- 6. A Builder member applicant** may be required to obtain Builder member education credits as determined by the Board of Trustees from time to time.
- 7. A Builder member applicant** must furnish to the HBA proof that all employees are covered by the State Workers Compensation program. The applicant must also provide proof of liability insurance in the minimum amount of \$500,000.
- 8. Builder members** agree to be bound by the HBA's Dispute Resolution Policy. This encompasses consumer and member complaints.
- 9. A Builder member applicant** agrees to abide by the HBA/AABOR Builder Realtor Listing Agreement, which is in lieu of a separate marketing or listing agreement when doing business with a Realtor.
- 10. A Builder member applicant**, by signing an application, does specifically authorize the HBA at its discretion to obtain a credit report and contact the references made in compliance with this application.
- 11. All membership applications** will be published in the Intercom for a 30 day comment period following Board consideration.

CONDITIONS FOR WAIVING THE ONE YEAR REQUIREMENT:

1. Legal name changes may be excluded from this requirement if the change is unrelated to any hostile or unethical purpose, and if the ownership is substantially continuous.
2. A Builder member applicant who satisfactorily maintained a Builder membership within five (5) years prior to the date of the new application, and who at all times performed as a Builder member in good standing within the industry, may have the one year requirement waived. The applicant must meet all other applicable criteria for Builder membership.

MEMBER COMPANY NAME CHANGES

Member company name changes, for any reason, will require the member seeking the name change to complete the Name Change Request Form. The Membership Committee will review the information given. The Membership Committee will treat the Name Change Request Form with the same formality and procedure as a New Member Application. Acceptance of the name change shall be approved of or denied by the Board of Trustees.

NAME CHANGE REQUEST FORM

Member Company Representative and Position: _____

Names, Titles and Addresses of current Officers or Owners:

1.

2.

3.

Previous Company Name:

New Company Name:

Address IF CHANGED:

Phone # IF CHANGED _____ Fax # IF CHANGED _____

Reason for Change:

Number of Employees: _____

Please return to HBA

799 White Pond Dr.

Akron OH 44320

or fax to 330/869-5506

MEMBER COMPANY CHANGE OF OWNERSHIP

Member Companies, which have a change in ownership or percentage of ownership, but retain an existing company name, must complete the Change of Ownership Request Form. The Membership Committee will review the information given. The Membership Committee will treat the Change of Ownership Request Form with the same formality and procedure as a New Member Application. Acceptance of the change of ownership shall be approved of or denied by the Board of Trustees.

CHANGE OF OWNERSHIP REQUEST FORM

Member Company Name: _____

Member Company Representative and Position: _____

Names, Titles and Addresses of PREVIOUS Officers or Owners:

1. _____

2. _____

3. _____

4. _____

Names, Titles and Addresses of NEW Officers or Owners:

1. _____

2. _____

3. _____

4. _____

Phone # _____ Fax # _____ Email _____

Website _____ Number of Employees: _____

Reason for Change: _____

Please return to HBA

799 White Pond Dr.

Akron OH 44320

or fax to 330/869-5506

Revised 4/8/98

Policy

BUILDER OF THE YEAR POLICY

OCTOBER: A nomination form will be mailed to all members. A member may nominate up to 5 Builder members, or only one. Nomination form will include a list of all past winners.

NOVEMBER: The top 10 vote getters will be ranked.

The TOP 5 will be considered for the final vote pending a review by the following committee:

1. HBA EVP, non voting
2. President to appoint the following, if they are not already a member of the Board.
 - a. Lender
 - b. Supplier
3. Associate Contractor's Committee Chairman
4. Building Officials
5. Ethics Chairman

If the committee finds that one of the Top 5 do not meet the following criteria, the next qualified vote getter will replace them on the final ballot. This meeting will be closed door, confidential and no publication of its actions will occur.

Any Builder member who has won the award twice within the last five (5) years is not eligible to be nominated.

The current President is not eligible for the Award.

CRITERIA:

The Builder must have a high degree of professionalism in dealing with their customers, Associates, Tradesman Contractors, Employees, Suppliers and HBA.

DECEMBER 1: The top 5 nominees are placed on a ballot that is distributed to the general membership with a ranking of 1 - 5. The top vote getter will be announced as the Builder of the Year during the Inaugural.

BEST HOMES COMPETITION POLICY

All Best Homes Competition entries will be within a five (5) mile distance from the Portage & Summit County borders. Builders must be an active member of the HBA. The Committee will have final approval of all and any applicants.
Amended February 8, 2006

HBA MULTIPLE MEMBERSHIPS:

Proprietorships, partnerships, corporations or other legal entities may not share a single HBA membership; however, unincorporated subsidiaries of proprietorships, partnerships, corporations or other legal entities are not required to obtain separate HBA memberships.

Should a current member own more than one company and one company is a full member of the HBA, then any additional memberships derived from companies owned by that member do not have to pay an additional initiation fee.

INTERCOM FEE:

The HBA shall mail one INTERCOM per member as part of the membership services. Any additional copies requested that are mailed will be invoiced for and will reflect the true costs of the expense. This cost is \$35.00 per year.

PARADE OF HOMES PARTICIPATION:

- Parade of Homes participants must be an approved active member a minimum of six (6) months before the date of the proceeding Parade of Homes lot selection meeting, in order to participate in that year's Parade of Homes. Exceptions may be considered to the above stated policy, subject to a majority approval of the Board of Trustees.
- **EXAMPLE:** If the lot selection meeting is November 1. The applicant shall have been a member since at least May 1. The Parade will not open until June. By opening he will have been a member for 13 months.

Any member in direct competition with a Marquis or Prime sponsor may exhibit in the entry pavilion but have no more than one booth. This policy will address the Summer and Fall Parades of Homes. Any member, except for Marquis and Prime sponsor members, can have no more than four booths in order to maintain variety in the displays.

PRESIDENTIAL BENEFITS

- The President of the HBA and his/her spouse or guest only, will have membership incentive trips paid for by the HBA, and attend the annual "Big Trip."
- A travel expense account will be included in the annual budget, and approved by the Board of Trustees.

PRIZES AND GIFTS

At any HBA function, where prizes or gifts are given away, the item will be available to all qualifying participants as approved by the Board of Trustees.

GENERAL MEMBERSHIP MEETING ATTENDANCE AND PAYMENT

The HBA General Membership meetings are subsidized by the HBA general fund because the Board feels strongly that the monthly meetings are one of our best means of communicating to members and providing valuable networking and educational services.

- The costs of these meetings are not simply the meal. Food, speaker, and social hour costs are all included. **FOR THESE REASONS, WE ENCOURAGE ALL MEMBERS TO ATTEND THE ENTIRE MEETING.**
- The HBA policy is NOT to split the meeting into parts that are charged related to the meal. A fee will be charged to all who attend any or all of the meeting. If there is an undue hardship or circumstance related to a particular meeting, please contact the HBA.

PAST DUE ACCOUNTS

Any HBA member that has an account with the association that is past due over 90 days and has a minimum balance of \$500 will NOT be extended further credit. All HBA activities and services will have **TO BE PAID IN ADVANCE OR WHEN USED** until the time the past due account is paid in full.

Individual Life Membership

All **INDIVIDUALS** chosen to be Life Members will be given these honors:

- 1) Life members will be recognized at HBA meetings.
- 2) Life members will receive special name badges.
- 3) Life members whose businesses are inactive will receive their Local Membership free of charge.
- 4) Life members with inactive businesses may opt to purchase State and National membership if desired.
- 5) Life members will have their name engraved on the Life Member plaque located at the HBA Office.
- 6) Life members will receive a plaque for themselves.
- 7) Life members may attend General Membership Meetings at no charge. *amended October 12, 2005*

The MINIMUM qualifications for nomination as a Life Membership are as follows:

MANDATORY CRITERIA — 25 years of continuous membership OR age 65

The nominee must also meet any of four (4) of the following five (5) criteria:

- 1) 100 Spike Level
- 2) Service on Board of Trustees
- 3) Service as President of the Association or an associate serving on the Executive Committee.
- 4) Distinguished Service to the Association
- 5) Distinguished Service to the Community

INDIVIDUAL LIFE MEMBERSHIP PROCEDURE:

- A call for nominations will be published in the September Intercom with the criteria for Life Member listed.
- Nominees will fill out an application for Individual Life Membership.
- All nominations must be received by October 31, of each year.
- Nominees will be reviewed by a Subcommittee of the Membership Committee, chaired by the Membership Chairman. This Subcommittee will be comprised of one Membership Chair, the current President, two Life Members, one associate and two Past Presidents. The two Life Members and the Past Presidents will be designated by the Past President's Council. A total of seven (7) votes shall be cast. A majority vote of the Subcommittee is needed to approve recommended Life Members.
- The Life Member Subcommittee will recommend the current year's life member approved nominees for acceptance to the Board of Trustees at the November Board Meeting. The Trustees will vote for or against acceptance at that time.
- The Individual Life Member will be awarded their honor at the December Banquet.
- The Executive Committee may, in the case of extenuating circumstances recommend to the Membership Subcommittee, a nominee outside of the normal procedures and policy.

* Effective September 13, 2000.

* A letter of notification to the nominee will be processed immediately after the vote.

**HOME BUILDERS ASSOCIATION
SERVING PORTAGE & SUMMIT COUNTIES
RENTAL OF THE REISCHMAN AUDITORIUM**

1. A **MEMBER** of the HBA must rent the room, sign the rental application, be responsible for the room and be present at the function. The Executive Officer may make exceptions to this policy at his or her discretion.
2. All refreshments or special needs are to be arranged by the renter. This includes the assembly and take down of tables and chairs which are provided. Drinking cups, ice, etc. will also be provided by the renter.
3. Cleanup and lockup are the responsibility of the renter.
4. No event should be planned for more than 100 people.
5. All activities **MUST** be confined within the building.
6. The purpose of all events will be educational, business and/or community related.
7. The building is a "No smoking" environment.
8. Alcoholic beverages are prohibited. The Board has the right to make modification to this policy in certain extenuating circumstances.

INSURANCE:

1. The Group renting this facility will provide the HBA with a certificate of liability insurance (in the amount of one million and the certificate will be presented at the time application is made.

HOLD HARMLESS:

1. The Renter agrees to hold harmless The HBA Serving Portage & Summit Counties from any lawsuits, damages or other adverse conditions resulting from the use and rental of the HBA property by the renter.

RENTAL FEES:

1. Any rental for four (4) hours or less will be in the amount of One hundred dollars (\$100)
2. The fee will be paid in **ADVANCE** of the function.
3. An additional, refundable One hundred (\$100) deposit will be required when food is served.

ADVERTISING DISCLAIMER:

When any HBA member is using the HBA premises for an event that is advertised to the general public, that member will include the following disclaimer on any and all printed materials including advertisements.

The print size will be a minimum of 9 point type. The member will also verbally disclose this disclaimer in their presentation.

The disclaimer shall read as follows:

This program is privately produced by an individual HBA member, and is NOT an HBA sponsored program.

- * The HBA must approve, in advance, any printed material or advertisement.

Membership Sponsor Incentive Policy

INCENTIVE TRIPS

If the winner cannot go on the trip earned, he/she can give the trip to an employee of the same company, immediate family, or another HBA member. If the original trip recipient passes the trip on, that recipient may not give the trip away.

If the winner of the trip goes on the trip and also earns multiple trips, he/she may invite an employee, immediate family, or another HBA member.

INCENTIVE CREDITS

If winner of a trip wants to use the credits earned toward another trip, this is acceptable, as long as the credit points are of equal value, and used within the same membership year, Nov. 1 through Oct. 31.

SELLING TRIPS

No earned trip can be sold. Members can't share, trade or pool points. They must be earned in total by the sponsoring member.

TRIP EXCHANGE

Any member incentive prizes including trips cannot be exchanged for their cash value.

THE "BIG TRIP" REQUIREMENTS

The big trip will always require a minimum of 10 new members, so that the Spike is recognized at the State Level. Trips will have an \$900 per person cap to a maximum of two (2) people. If the trip cost more, the traveler will pay the difference.

Revised 7-7-04

HBA Serving Portage & Summit Counties

Executive Officer Plan Of Succession

The following plan is meant to describe how the HBA would operate in two different circumstances. One would be if the Executive Vice President would be unavailable for an extended period of time. The second would be if he left permanently.

I. EVP UNAVAILABLE FOR FOUR WEEKS OR MORE DUE TO ILLNESS:

1. Executive Committee to meet.
 - a. Call staff together.
 - b. Inform CPA and legal counsel.
 - c. Inform Trustees, committee and council chairs.
2. Assistant Executive VP will direct staff and oversee office operations.
 - a. Assistant Executive VP will direct all government affairs. He or she will work with elected and appointed officials and appropriate committees on industry issues and make them aware of EVP's situation.
 - b. Membership Services Director will direct publication of INTERCOM and work with Membership Committee and Ambassadors Club.
 - c. Accounting Director, will maintain financial records and work directly with the CPA and Executive Committee.
 - d. Advertising & Promotions Director will direct and plan all HBA events.
 - e. Executive Committee to meet twice a month or as needed.
3. Assistant Executive VP will prepare a staff report for the executive committee and report on the status of potential problems and current projects. Will also assess need for increased volunteers, temporary staff or outside services. Will assess any financial impacts. Will use conference calls as needed.
4. Finances: Secretary/Treasurer will make sure all records are up to date and understood by officers and staff.

*** If EVP is physically able, communication can continue with personal visits, deliveries, phone conferences, correspondence, fax or electronic mail.

II. EVP PERMANENTLY LEAVES HBA.

- a. Current EVP will work with HBA on a successor and candidates to appear before a search committee, appointed by the President.
- b. If current EVP leaves without notice, the executive committee will meet with staff and put into action the same plan as used for extended leaves of the EVP.
- c. The search committee should contact OHBA Executive Officer, NAHB and EOC Director for suggestion and placement notices.
- d. ASAE, the American Society of Association Executives also has a magazine and placement service.
- e. The search committee will recommend a candidate to the Board. The Board will consider the recommendation and upon approval, employ the new Executive Vice President.
- f. If needed, the Board of Trustees should consider training the EVP through OHBA, NAHB and the EOC as soon as possible if needed.

HBA Products and Service Approval and Recommended Provider Policy

The purpose of the HBA approving of or recommending certain products or services will be to add value to an HBA membership and thus help a member be more successful.

1. The Board of Trustees will approve all recommendations or use of the HBA mailing lists.
2. The product or service being reviewed **MUST** be of significance to the normal conduct of a member's business.
EXAMPLE: Insurance is an integral part of operating a business. Personal dry cleaning **IS NOT**.
3. The product or service provider **MUST** be able to provide to the HBA member an additional service, discount or value in addition to what that product or service can be procured for on the open market.
EXAMPLE: If a member can have access to the product for X dollars on his own and he is offered that same product for the same amount with no additional service, incentives or considerations, than it is **NOT** an additional value to his membership.
4. The service or product provider **MUST** agree to give a benefit of some value back to the HBA for their granting approval or recommendation of that product or service. The HBA will not lend its name, reputation, mailing list or marketing devices without compensation.
5. A written agreement must be signed by both the HBA and the service provider. The agreement will relieve the HBA of any liabilities whatsoever associated with the product, service, approval or recommendation. The agreement must also state that the service provider will actively market and service the members. The HBA **CANNOT** be actively involved in this activity. The service provider must supply a list of participating HBA members to the HBA on a timely basis. The service provider must work with the HBA and cancel former HBA members from these programs upon non payment of dues.
6. The agreement will be reviewed at the conclusion of their terms.
7. Any HBA member wishing to submit a proposal for recommendation must be an HBA member for at least 18 months previous to submitting the proposal.
8. Recommendations will not be given to trade contractors or builder members.

– May 2007

HBA Reserve Fund Policy

1. FUNDING POLICY:

The HBA must maintain adequate liquidity through cash reserves to meet the requirements of its financial obligations PLUS reserves to fund possible emergency situations.

- a. A minimum goal of 100% of the Association's Annual indirect expenses (shall be held in reserves) i.e. salaries, selling administration.

2. ACCESS TO RESERVES:

- a. Normal Access: This procedure will consist of the Executive Committee studying the issue and making a recommendation to the Board of Trustees. The Board will then approve or disapprove of accessing the reserve funds.
- b. Emergency Access: The same procedures as normal access will apply except emergency meeting of both bodies will need to be called.

3. REPLENISHMENT OF RESERVES:

Any use will be replenished as a PRIORITY, out of a lump sum payment of a payment plan. This could include an annual operating budget line item, titled contributions to reserves. The schedule for replenishment will be NO LONGER than three years and will be developed by the Executive Committee and the HBA Board of Trustees. In the event of a severe economic downturn the Board will have the discretion to lengthen this replenishment period.

4. POLICY REVIEW:

The Executive Committee is responsible to conduct a thorough review of the reserve policy every year or more often as recommended by the Board of Trustees.

HBA INVESTMENT POLICY

The reserve funds of the Association may be invested in ways that may put them at risk. Investments shall be diverse and considered conservative by financial professionals. The investment strategies of the Association shall be kept on file with the Executive Vice President. The Strategies are to be reviewed annually or at any time when changes in the financial climate would warrant. Review of the strategies shall be made by the Executive Committee. Changes to the Investment strategies shall be made at the recommendation of the Executive Committee and approved by the Board of Trustees.

HBA Policy Regarding Single Site Parade of Homes

FREE STANDING DISPLAYS

There are instances where a company will request that they erect a display outside the HBA entry pavilion tent. The following will serve as requirements and policy as to when and in what manner this will be allowed.

1. If a display due to its height, safety or other legitimate characteristics is not appropriate to be erected inside the entry tent than that display may be considered to be placed on a site outside of the tent.
2. If that display can typically be placed inside the tent, then that is where it will be placed as long as space is available. ONLY if the tent space is sold out will the Parade Committee consider placing the display outside of the tent. This will be done to protect the HBA's tent sales.
3. DISPLAYS OUTSIDE THE TENT WILL:
 - Provide, at the expense of the displayer, safe access from the street (i.e. culvert, path, etc.). This access will be approved by the Committee.
 - If there is a structure to protect the display this will be provided by the displayer at their expense and with the approval of the Committee (i.e tent, modular walls etc.)
 - The display will be placed on a hard surface such as stone, gravel, wood decking, asphalt or concrete at the expense of the displayer and with the Committee's and local governing authority's approval concerning pad location and materials.
 - The displayer will provide the HBA and the developer with a certificate of liability insurance naming the aforementioned parties as additions to the policy.
 - Any electric or water service will be arranged by the displayer at their expense and with the approval of the Committee.
 - No discounts will be given for this space that would be contrary to what is offered for displays within the tent.
 - The display will be manned during the hours of the show.
 - The HBA will not be liable for any damage to the display or theft of items.
 - The HBA will be indemnified and held harmless by the displayer and sign a written form to this effect.
 - The HBA's Parade Committee will have the final authority to approve or disapprove a display and the exact location of the display on the premises. They will have sole discretion in producing and controlling the Parade event and its premises.

HBA Sponsorship Policy Regarding Rights Of First Refusal

In the case where there is more than one HBA member that requests to sponsor an event, as one of the major sponsors, the following will be the policy of the HBA.

The present sponsor will have a one year right of first refusal. This means that in year one he will be the sponsor. In year two, if he chooses, he will be the sponsor. In year three the sponsor, if he wishes to continue, will compete in an open bid process. The decision will be made as to the best proposal based on criteria that the HBA will devise.

The HBA Board of Trustees will approve all major sponsors as recommended by the appropriate Committee. The appropriate HBA Committee will set all minimum sponsorship amounts. The exclusive use of any one product or service is discouraged but not prohibited. If requested, this exclusive use and the sponsorship must be approved by the HBA Board of Trustees.

Criteria:

- Monetary value of bid
- Additional sponsorships and participation of bidding member.
- Other discounts and services offered to HBA members
- Exclusivity of product or service.
- Other advertising or promotional values offered.
- Acceptance and effects on participating HBA members.
- Experience and performance of bidder from previous HBA relationships.

Revised 9/06

HBA POLICY REGARDING BUILDER DISPLAYS IN THE PARADE ENTRY PAVILION

No Building Company display, or Realtor display that is dominated by the promotion of one or more building companies, will be allowed in the entry pavilion. The Parade Builder Committee will make the final decision on the enforcement of this policy.

Revised 9/06

HBA Dispute Resolution Policy

1. HBA Members will be responsible to answer complaints which occur as of the date of their membership or after. Any complaints occurring before the acceptance date of the member's membership will fall outside the jurisdiction of the HBA.
2. The act over which the complaint was filed must have occurred within the first year of occupancy or within the stated warranty period, if applicable, or in accordance with the Ohio Statute of Limitations as applicable.
3. All members will be required to follow one of the Dispute Resolution methods listed below, and will be required to resolve both member to member disputes and member to consumer disputes through this policy.

DISPUTE RESOLUTION METHODS

1. The HBA/BBB DR Policy. (page 29)
2. Any equivalent mediation and arbitration procedure which is written into the original contract between the disputing parties.
3. Other equivalent Dispute Resolution methods as approved by the HBA Board of Trustees.

Media Policy

This policy will describe how the HBA will manage and respond to interfaces between the media and the HBA.

1. HBA Spokesperson(s) – The President is the official spokesperson of the HBA. The President may wish to have the EVP co share that responsibility , particularly when he may be more available or knowledgeable about a topic. They may also ask other officers or members, such as event or committee chairs to make comments and be quoted.
2. Phone Interviews – When called by the media the HBA member or staff person should ask if they can call back with a response or recommend the proper spokesperson to call. In the later case the HBA staff person will call the designated spokesperson and brief them on the topic.
3. Time Deadlines – Always respect deadlines and respond within the deadlines when applicable.
4. HBA members – Other members of the HBA, including Board members, may answer media questions in regards to their own business , if asked about HBA events or business they should direct the media representative to the HBA EVP.
5. HBA Chairs- There will be instances where an event chair, such as the Parade chair, will be interviewed for a story that will appear in the parade section or the parade program.
6. HBA Staff – Staff will refrain from being interviewed unless they have received permission from either the HBA President or EVP.
7. Press Releases – All HBA press releases will be approved by the HBA EVP, and members that may be quoted in the release, before it is distributed. All HBA releases will have a release date on them and be printed on HBA stationery.
8. On site television interview – If a TV crew visits the HBA or an HBA event unannounced and requests an interview, the HBA spokesperson if available will ask the nature of the questions and ask that they schedule a time to do the interview. If that is impossible and the spokesperson deems the nature of the interview is hostile, the spokesperson may decline the interview.
9. Spokesperson training – HBA spokespersons should exercise professional spokespersons techniques. You have the right to decide the time and place of the interview and know the questions to be asked. Avoid the no comment or other hostile comments. Take a moment to prepare. Know what your message is and be aware of viewer empathy. Restate questions so that your answers reflect your message.
10. Media relations – The HBA should meet with the media on a regular basis and know the reporters that cover their industry. Reinforce that you are the expert and a credible, reliable source of information for the industry.

HBA/BBB DISPUTE RESOLUTION FOR CONSUMER COMPLAINTS

DR is a HBA member service whereby The HBA Serving Portage & Summit Counties has contracted with the Better Business Bureau of Akron to provide third party consumer complaint intake, conciliation, mediation and mediation/arbitration services for HBA Builder members.

TERMS: As of January 1, 1997 consumer related complaints concerning HBA members will be referred to the BBB for intake and processing. The transaction which is the basis of the complaint must have occurred and have been covered during the builder's stated warranty period.

DOCUMENTATION: Any HBA member using DR will first need to complete the BBB Business Profile and sign the BBB pre-commitment to mediate/arbitrate agreement.

RULES: The formal BBB rules of arbitration are contained in the following documents which will be mailed to any party that would use the service. They are: BBB Rules of "Arbitration" and "Mediation".

PROCEDURE FOR CONSUMER COMPLAINTS:

1. UPON RECEIPT OF CONSUMER COMPLAINT, on an HBA member, the HBA shall furnish the BBB a copy of the written complaint or verbally refer the complainant to the BBB. The BBB will use its intake procedure process to determine the validity of the complaint, utilizing its Complaint Intake Procedure Checklist.

A verified complainant will be sent a Complaint Form to complete. Disputes must have occurred during the Builder's stated warranty period. Any disputes pertaining to latent structural defects will be heard in accordance with the Ohio Statute of Limitations. The form and any attachments will be sent to the company in question. They will have 14 days to respond in writing. The complainant will receive a copy of the company response and an opportunity to offer a rebuttal.

2. IMMEDIATELY upon processing the complaint, the BBB will proceed with its expedited conciliation service. If this is not successful, the Bureau will notify HBA that a mediation or arbitration is being arranged for the parties. The BBB will mediate/arbitrate the dispute through its binding program procedures.

3. AT ANY STAGE of the process, the BBB can make an on site inspection if requested by any party of its own volition, or the HBA may make an on site inspection during its review process period. At the direction of the BBB Arbitrator, the BBB will appoint a neutral technical expert who may assist the arbitrator in his deliberations. A written report may be required of the technical expert. The standards to be used to guide the arbitrator are the National Association of Home Builders Residential Construction Performance Guidelines.

FEES: See attached Schedule A.

LOGO: The name "BETTER BUSINESS BUREAU" is a federally registered trademark owned by the Council of Better Business Bureaus, Inc. (Reg. Nos. 566,415,971,579 and 969,847). Use of the name, "BBB" or corresponding logos can only be used by companies which are BBB members.

HOME BUILDERS ASSOCIATION SERVING PORTAGE AND SUMMIT COUNTIES POLICY ON MEMBER-TO-MEMBER COMPLAINTS

I. INTRODUCTION

The purpose of this policy is to establish a procedure by which Members may inform the Home Builders Association (“HBA”) of another Member’s violation of the Association Bylaws, including, but not limited to, failure to pay a debt owed to the complaining Member. This policy is intended to help the HBA identify and take appropriate action against Members who fail to uphold the values and ideals of the HBA, and our stated mission of promoting professional standards within the association for the betterment of the building industry, and those we serve.

This policy is not a means of debt collection and does not replace the arbitration/mediation services offered through the HBA, nor does it replace any legal remedies to which a Member may be entitled. The HBA is not responsible for the truth, accuracy, or content of the statements of any individual member, whether written or verbal, made in a complaint, at a hearing, or otherwise.

II. REPORTING PROCEDURE

A complaint form is attached to this policy. Additional forms may be downloaded from the Members Section of www.akronhba.com. Along with the complaint form, the complaining Member must submit written verification of the amount owed and length of time past due (e.g., copies of invoices, collection letters or liens). The HBA will initiate the complaint review procedure when five (5) complaints, for a cumulative total of \$1,000 or more, have been filed against a Member within any six (6) month period, or at such other time as the HBA, in its sole discretion, deems appropriate. The HBA will notify a Member in writing when the complaint review procedure has been initiated against him, and give him an opportunity to respond in writing. Any response must be received by the HBA within 30 days of the date of the notification.

III. COMPLAINT REVIEW PROCEDURE AND AVAILABLE REMEDIES

A. **Ethics Committee Review/Hearing**

The Ethics Committee will review the complaints and the response, if any, to determine if a hearing or further investigation is warranted. Prior to any formal action, the Ethics Committee may hold an informal meeting with the complaining Member(s), the Member about whom the complaint was filed, or both. The Ethics Committee will consider all relevant factors, including the amount of the complaint and the number and frequency of complaints previously filed against the Member. The Ethics Committee may require the complaining Member(s) to submit additional documentation or evidence of the claim. If the Ethics Committee determines that a hearing is warranted, it will notify the Member against whom the complaint was filed. At the hearing, the Member may present evidence in support of his position, subject to limits and procedures established by the Ethics Committee. The Ethics Committee will then make a written report and recommendation to the Executive Committee as to what further action, if any, should be taken.

B. Available Remedies

The Executive Committee will review the information introduced at the hearing and the Ethics Committee's recommendation and make a final decision as to what action will be taken. The Executive Committee will consider, without limitation, the presence of any of the following factors in determining the appropriate sanction for a Member: 1) constantly and excessively late payables; 2) no working capital, lines of credit, or other means of maintaining a business; 3) no plan or communication to creditors; or 4) grossly unethical business practices.

After reviewing all relevant factors, the Executive Committee may decide that no further action will be taken, or it may find that the Member has violated the Rules and Bylaws of the HBA and impose a sanction. Possible sanctions range from temporary suspension to expulsion from the HBA, based on the severity of the offense, the number of verified complaints filed against the Member, and any other relevant factors. A Member may also be removed from HBA office or prohibited from running for office, as applicable.

Within thirty (30) days of the hearing, the Executive Committee will provide the Member with a written statement of its decision and the sanction, if any, imposed. If the sanction is revocation of membership, the Member shall also be provided with a written statement that he has a right to appeal within thirty (30) days of the date of the decision. If the sanction is suspension, the Member will be considered an "Inactive Member" as defined in Section 10 of the HBA Bylaws and the Ethics Committee will review his status every six months. If the Member has adequately and appropriately resolved the condition or situation leading to his suspension, the Ethics Committee may reinstate him to unrestricted membership. Failure to resolve the condition or situation that formed the basis for suspension may result in revocation of membership.

C. False Complaints

If the Executive Committee finds that a Member intentionally filed a false or baseless complaint, it may impose any of the above sanctions against that Member.

IV. APPEAL PROCEDURE

A Member whose membership has been revoked may appeal the decision by mailing a statement of appeal to the HBA by certified mail within thirty (30) days of the date the Executive Committee issued its decision. The statement of appeal must contain a full written explanation of why the Member thinks the Executive Committee's decision was incorrect. The Board of Trustees will review the statement of appeal and may, in its sole discretion, call another hearing on the matter or issue its decision without further hearing. A two-thirds (2/3ds) majority of the Board of Trustees is required to reverse the decision of the Executive Committee. The Member will be notified of the appeal decision, which the Board of Trustees shall issue within sixty (60) days from the date it receives the statement of appeal.

V. RECORD OF COMPLAINTS AND PROCEEDINGS

The Ethics Committee shall maintain a complete written record of every complaint filed and any response, hearing, or other action taken with respect to the complaint. The complaints, responses, hearing results, and other records shall not be published in any HBA publication, including the HBA website, except that the Board of Trustees may make a list of expelled members available in an HBA publication or otherwise as the

Board may determine. HBA Members and employees shall not release information regarding the complaints and related proceedings to non-HBA Members except pursuant to court order.

Information regarding Member complaints shall only be released to HBA Members in accordance with the following: A Member may make a written request to the Ethics Committee for a summary of the action taken on a complaint. The Ethics Committee shall issue a written report to the requesting Member indicating the date and dollar amount of the complaint and a copy or summary of any response filed. The report shall also indicate whether a hearing was conducted and, if so, whether any sanction was imposed. By requesting a written report regarding a Member complaint, HBA Members agree that they shall not disseminate the report or the contents thereof to any non-HBA Member.

VI. DISCLAIMER

The complaint procedures detailed in this policy are offered to HBA Members for the sole purpose of enforcing HBA's constitution and bylaws and do not create any additional rights or obligations other than those provided for in the constitution and bylaws. The HBA is not responsible for the truth, accuracy, or content of the statements of any individual Member, whether written or verbal, made in a complaint, at a hearing, or otherwise. HBA cannot and does not guarantee the confidentiality of any Member complaint, hearing, or any other document or proceeding. In no event will HBA be liable for any claim based on, arising out of, directly or indirectly resulting from, in consequence of, or in any way involving any actual or alleged libel or slander in any way arising out of a complaint or proceeding under this policy.

VII. AMENDMENT AND MODIFICATION

HBA reserves the right to amend, modify, or discontinue this policy at any time.

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OFFICIAL HBA MEMBER TO MEMBER COMPLAINT FORM

Company registering complaint _____

Contact person _____

Phone number _____ Mobile number _____

E mail _____ address _____

HBA company complaint registered against _____

Person or persons in company involved with complaint _____

Nature of complaint (brief description) _____

ATTACH ALL SUPPORTING DOCUMENTATION (contracts, invoices, statements)

Nature of job or service performed _____

Amount of total contract _____

Terms and conditions of contract _____

Funds not paid _____ Time past due _____

Extenuating circumstances (dispute on delivery quality of work, timeliness, etc.) _____

Describe any liens that were filed _____

Are you represented by an attorney? If yes please state their name, address and phone number _____

Are there any ongoing formal collection actions being taken? _____

Please mail this form to HBA of Portage and Summit Counties, Attention Executive VP

799 White Pond Drive Akron, Ohio 44320

INDIVIDUAL LIFE MEMBERSHIP APPLICATION

Name _____

Your age _____

Year joined HBA _____

1. HBA Spike level _____

2. Board Services (number of years) _____

3. President - Yes _____ No _____

4. Executive Committee - Yes _____ No _____

5. Describe Association Service:

6. Describe Community Service:

Recommended by _____

Please return to HBA via enclosed envelope or fax 869-5506 no later than 10/31/01.