

FEATURED PRODUCTS AND SERVICES FOR MARCH

Center Section

Home Show opens March 31!

The Rhode Island Builders Association's 66th Annual Home Show is March 31st-April 3rd.

Among the many Home Show Heroes are Andersen Corp. and Don Hamel, without whom the Ultimate Solar Tree House feature wouldn't have been possible.



Don Hamel

Page 2

New websites to highlight jobs push

New logos for RIBA and the Residential Construction Workforce Partnership's Jobs Bank, along with three new websites, will debut soon.

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Networking Breakfast March 17

RIBA's FREE Breakfast, New Member Orientation, Open House and Networking Events continue monthly.

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First Build-PAC fundraiser of 2016

Held at the Eleven Forty Nine in East Greenwich, RIBA's first Build-PAC fundraiser of 2016 drew a crowd.

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Home Show Planning



The 66th Annual Rhode Island Home Show takes place at the Rhode Island Convention Center, Providence, March 31st through April 3rd. Prominent at the event will be nearly 300 students from 18 of the state's career and technical education (CTE) programs, who have teamed up to construct, assemble and staff key attractions. Here, students from the Warwick Area Career and Technical Center study plans for the Ultimate Solar Tree House, a 2016 Home Show centerpiece. Story on page 2.

Contractors seek answers on sales and use taxes

We sit down with two officials of the Dept. of Revenue to find out how contractors can comply with complex rules.

By Paul F. Eno Editor

"These sales tax regulations are very hard to understand. And when they do an audit, it can take months and cost thousands."

So said a beleaguered member of the Rhode

Island Builders Association when he addressed the RIBA Board of Directors in January on the issue of Rhode Island's sales and use tax.

So *The Rhode Island Builder Report* sat down with Patrick Gengarella, chief of field audits for the state Division of Taxation's Dept. of Revenue (DOR), and Donald Englert, chief revenue agent with DOR's excise section, to find out about the sales and use tax as it applies to contractors.

see TAXES...page 26

Nearly 300 students working on the top attractions

Home Show opens March 31, last chance to get your exhibit space!

WHEN: Thursday-Sunday, March 31st -April 3rd

WHERE: Rhode Island Convention Center, Providence

FOR MORE INFORMATION: Contact John Marcantonio or Elizabeth Carpenter at RIBA, (401) 438-7400.



By Paul F. Eno Editor

It's almost here – the 2016 Home Show, with record crowds expected, first-time attractions and a unique involvement by

nearly 300 Rhode Island career and technical education (CTE) students.

If you have products or services to offer homeowners or renters, and especially if you're a contractor, this is your last chance to reserve your exhibit space at this, the Rhode Island Builders Association's 66th Annual Home Show. The show has grown exponentially over the past five years, so now's the time to participate. That's espe-

cially true since surveys of Home Show visitors overwhelmingly demonstrate that they want to see more contractors and suppliers exhibiting.

A huge media and social media marketing effort will draw visitors to the show from all over southeastern New England, so this is a once-a-year chance to interact with thousands of potential customers.

see HOME SHOW...page 29

The Rhode Island builder report

Official publication of the
Rhode Island Builders Association
since 1951

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Vice President..... David A. Caldwell Jr.
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Special thanks to Andersen Corp.

Many supporters make the Home Show possible, but this year the Rhode Island Builders Association offers a special salute to Andersen Corp. and Don Hamel for supporting the Ultimate Solar Tree House project and the involvement of Rhode Island's career and technical education (CTE) students.

"When Don first learned about the Tree House project through (RIBA Membership and Education Director) Cheryl Boyd and me, he was all in from the start!" commented Louis Cotoia of Arnold Lumber Co., the Home Show Committee's point man on the project.

"Don saw the value in working with the schools to get this project under way. Without the financial support of Andersen Corp., this would not have been able to happen. They are donating the materials, including the Andersen® Windows that are going into the project," Mr. Cotoia added.

Mr. Hamel even visited the schools to spend class time with the students, to explain the features and benefits of proper window glass types, and to do hands-on training for proper window installation.

"Don also will be on-site for the days of the build at the show as well as when we rebuild at the Boys and Girls Club of Providence," Mr. Cotoia said. "Don is

see HOME SHOW SUPPORT...page 29

RIBA welcomes our new members and thanks their sponsors!

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Richard Builders Inc.

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**RIBA thanks
these members who
recently renewed!**

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see MEMBERS...page 23

DEADLINES FOR THE APRIL ISSUE

All copy, ads and photos must be to us by

Friday, March 4

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LOOKING AHEAD!

OS Martes y Jueves/Tuesdays and Thursdays through May 26th: Ingles para Constructores / English for Contractors - Segue Institute for Learning, 361 Cowden St., Central Falls. Dirigida a los trabajadores en la industria de la construccion para incrementar su vocabulario y mejorar la comprension de terminos, codigos y reglamentos. A program to help Spanish-speaking contractors learn English, increase their vocabulary and understand the terms of codes and regulations; and to complement their professional training. To register, contact Latino Education Coordinator Betty Bernal, bbernal@ribuilders.org, or call (401) 438-7400. *More information on page 12.*

◇ March 4th and 18th: 5-Hour CRLB Pre-Registration Course - RIBA headquarters, East Providence, 8 a.m. to 1 p.m. This course is required by the Rhode Island Contractors' Registration and Licensing Board for new contractors before they register. Cost: \$250. You must pre-register for this class. No admittance without pre-registration and payment. To register, contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 13.*

OS March 5th: OSHA 10-Hour Course Continues from February 27th - 7:30 a.m. to 2 p.m. each day. Navigant Credit Union, 693 Broad St., Central Falls 02863. Alternate weather date: March 12th. This course is FREE. You must pre-register for this course. For more information and to register, contact Betty Bernal, bbernal@ribuilders.org, or call (401) 438-7400. *THIS CLASS WILL BE TAUGHT IN SPANISH. More information on page 12.*

◇ March 10th - RIBA Networking Night - 5 to 7 p.m., RIBA Headquarters, East Providence. Drop by after work for a bite to eat and a beer, and meet other members. This event is open to both members and non-members, so bring a colleague and they can learn about the services and products RIBA has to offer. And don't forget your business cards! To RSVP, contact Elizabeth Carpenter (401) 438-7400 or ecarpenter@ribuilders.org.

◇ March 10th: OSHA Safety Class - Fall Protection and Confined Spaces - RIBA headquarters, East Providence, 7:30 to 10:30 a.m. FREE for members and their employees, with a \$10 materials/registration fee. \$75 for non-members, with a \$10 materials/registration fee. You must pre-register for this class. No admittance without pre-registration and payment. To register, contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 13.*

◇ March 15th: 4-Hour Lead-Safe Refresher Class - RIBA headquarters, East Providence, 7:30 a.m. to 12 p.m. FREE for members and their employees, with a \$40 materials/registration fee. \$75 for non-members, with a \$40 materials/registration fee. You must pre-register for this class. No admittance without pre-registration and payment. To register, contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 14.*

◇ March 17th: RIBA Breakfast, New Member Orientation, Open House and Networking Event - RIBA headquarters, East Providence, between 8 and 10 a.m. Participants may stay longer if they wish. This FREE event is held on the third Thursday of each month for new and current members who want to learn more about their member benefits and to meet the RIBA team. RSVPs are requested. To RSVP or if you or your company would like to sponsor a breakfast, please contact Cheryl Boyd at (401) 438-7400 or cboyd@ribuilders.org. *Related story on page 12.*

OS March 19th: 8 Hour Lead-Safe Remodeler/Renovator Course - 7:30 a.m. to 5 p.m. Location TBA. Alternate weather day: March 26th. This course is FREE. You must pre-register for this course. This course is required to obtain or renew a Lead Safe Remodeler/Renovator Certificate, which is necessary for work in all pre-1978 buildings in Rhode Island. For more information and to register, contact Betty Bernal, bbernal@ribuilders.org, or call (401) 438-7400. *THIS CLASS WILL BE TAUGHT IN SPANISH. More information on page 12.*

◇ March 31st-April 3rd: RIBA Home Show - Rhode Island Convention Center, Providence, 3 to 9 p.m. on Thursday and Friday, 10 a.m. to 9 p.m. Saturday, 10 a.m.-5 p.m. Sunday. Thursday is RIBA Member Night. Watch for your passes in the mail. *More information on page 2.*

◇ April 13th-14th: OSHA 10-Hour Course - 7:30 a.m. to 1 p.m. each day at RIBA headquarters. Course is FREE for members and their employees with a \$40 materials/registration fee, \$125 for non-members with a \$40 materials/registration fee. For more information and to register, contact Sheila McCarthy, smccarthy@ribuilders.org, or call (401) 438-7400. *Details on page 14.*

◇* April 28: Asbestos Awareness Seminar - 5 to 7 p.m., RIBA headquarters, East Providence. FREE for members, with a \$10 materials charge. \$50 for non-members, with a \$10 materials charge. To register, contact Sheila McCarthy at smccarthy@ribuilders.org or (401) 438-7400. *Details on page 14.*

OS April dates TBA: Financial Literacy Seminars - Navigant Credit Union, 693 Broad St., Central Falls 02863. For more information and to register, contact Betty Bernal, bbernal@ribuilders.org, or call (401) 438-7400. *THESE CLASSES WILL BE TAUGHT IN SPANISH. More information on page 12.*

More information, registration and payment for most RIBA events is available at RIBUILDERS.org.

◇ Indicates a RIBA-sponsored event.

* Designates a course eligible for Rhode Island state-mandated continuing education credits. Contact RIBA for confirmation.

S Class will be taught in Spanish.

President's Message



Roland J. Fiore

Many thanks to our Home Show partners!

The Rhode Island Builders Association has been organizing and producing the Rhode Island Home Show for over 66 years, and has it changed!


In the last four years the show has become much more than a vendor event. It has transformed into an educational experience with a focus on housing. Just look at this year's Home Show features, who built them, and what they will present to the public.

The Ultimate Solar Tree House is being built by nearly 300 career and technical education (CTE) students from 18 different schools. The five-room Home Technology Showcase and seven-room Interior Design showcase will feature education on home technology and exhibit the latest in home décor.

The Solar Showcase, part of the Energy Expo, will educate the public about the newest home solar systems. And our friends at

the Rhode Island Nursery and Landscape Association (RINLA) will put together an amazing landscape to teach the public about sustainability and outdoor living.

In addition to all this, the show will feature celebrity cooking demonstrations in the Arnold Lumber/Unilock Outdoor Kitchen, professional seminars on just about everything for home owners, and fun things to see and do for kids as well. No wonder the show is on course to sell out its floor space!

All this and much more makes RIBA proud and happy to continue to work with our partners to create a fantastic Home Show. To those who attend, I wish you a great time, and to our supporters like National Grid, Andersen Corp., Arnold Lumber, the Office of Energy Resources, Cox Communications and many more (see page 29), we thank you for helping us make it happen! 



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Large crowds attend PAC event



The Rhode Island Builders Association held its first Build-PAC fundraiser of the year at the Eleven Forty Nine Restaurant in East Greenwich. Participants enjoyed networking, drinks and hors d'oeuvres. Legislative Committee Co-Chairman Robert J. Baldwin reported on the industry's advocacy agenda for 2016, and two field representatives of the National Association of Home Builders (NAHB) were present as well: Anna Satterfield (left) and Morgan Giovannucci.



From left, RIBA lobbyist Bill Walsh, Frank Bragantin of Ferland Corp. and John Bentz of Property Advisory Group.



With Doug Kendall from Heartland Ovation Payroll Services are Jennifer Nailor, left, and Nancy Barita.



RIBA Executive Director John Marcantonio, left, and Jose Marcano of J.M. Painting.



From left, Robert J. Baldwin of R.B. Homes, John Pesce of Consolidated Concrete Corp. and George Calcagni of A. Calcagni & Son Inc./Calson Corp.



From left are Jack McGreen of Taft McSally LLP, Dennis DiPrete of DiPrete Engineering Associates, and David Baud of Baud Builders Inc.

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STAY CONNECTED



Commerce RI wants to hear about contractors' issues, board told

By Paul F. Eno *Editor*

"One of the best things about my job is that I get to fix things that drove me crazy."

So said Elizabeth M. Tanner, executive vice president for client services at the Rhode Island Commerce Corp. (Commerce RI), as she addressed the Rhode Island Builders Association's Board of Directors on February 2nd.

"I was a business and real estate lawyer before joining Commerce RI. I know that the delays at the state level alone can drive you nuts as small-business owners," Ms. Tanner said.

"We're working to try and make things better on the state and local levels. We're a resource when you're running into problems if you can't figure out the rules, if things are taking too long, and even if you can't figure out who to talk to."

She also mentioned a new "Wavemaker Fellowship" to be set up this spring to try and keep the best science, engineering arts and math students from leaving the state. In addition, there is a Main Street Initiative for economic-improvement projects that can include building facades and historic preservation.

Ms. Tanner urged members to contact her office at (401) 278-9100, clientservices@commercერი.com and to visit www.COM-MERCERI.com.

International Builders Show

Robert J. Baldwin, past RIBA president and a co-chairman of the Legislative Committee, offered a report on the International Builders Show, held in Las Vegas January 19th-21st. He cited several legislative issues that NAHB is following (story on page 20.)

Also, NAHB membership is holding steady, Mr. Baldwin reported.

Home Show

Louis Cotoia of Arnold Lumber Co., a



Elizabeth M. Tanner addresses the Rhode Island Builders Association's Board of Directors on February 2nd. Looking on are President Roland J. Fiore and Vice President David A. Caldwell Jr.

key member of RIBA's Home Show Committee, reported that the 2016 Home Show is expected to meet or exceed last year's numbers.

Participation by career and technical education (CTE) students in building components for the show's major exhibits is "at an all-time high." Nearly 300 students will have been involved before the show ends on April 3rd. These will include students from all the construction trades, Mr. Cotoia reported.

In addition, instructors from the electrical programs will wire the solar exhibits at the Ultimate Solar Tree House attraction. Participating solar service companies will instruct the students so they can staff the

information booth at the Solar Technology Showcase.

"One thing I picked up at the International Builders Show (IBS) in January is that we have few or no new workers coming into the residential construction industry," Mr. Cotoia noted.

"The Home Show will be a platform not only for the students to participate but to attract them to careers in the industry."

He urged RIBA members to attend the show and network with the students.

Mr. Cotoia especially thanked the suppliers who are providing building materials to the schools and furnishing transportation of the components to the Home Show.

Related story on page 2.

New member benefit: Connect with customers via Houzz

There's a new benefit for members of the Rhode Island Builders Association: The National Association of Home Builders (NAHB) recently announced an alliance with Houzz® Inc., the online platform for home building, renovation and design.

Since RIBA members automatically belong to NAHB, this alliance enables builder, remodeler and trade-partner members to use Houzz's technology and marketing capabilities to connect with a large community of property owners who are actively building or renovating their homes.

Houzz will create an authentication mechanism for active members to verify their NAHB membership on the Houzz platform. With verified badges, homeowners can identify NAHB members who have special expertise in home building. For details, contact Cheryl Boyd or Elise Geddes at RIBA, (401) 438-7400.



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Goal: Seamless online presence

RCWP, RIBA plan new websites, new logos

New logos and new, integrated websites will help brand the Rhode Island Builders Association, the Residential Construction Workforce Partnership (RCWP) and RCWP's new Jobs Bank.

That was the word from RIBA Membership and Education Director Cheryl Boyd in a presentation to RIBA's Board of Directors on February 2nd.

The new association logo is inspired by RCWP's and will feature "RIBA" with a stylized house at the center, according to Ms. Boyd.

In the meantime, RIBA's main website, RIBUILDERS.org, is in the midst of a complete redesign, with increased functionality and interaction with two other sites planned.

RCWPJOBS.com will be the home of the

see NEW LOOK...page 24



At the February 2nd meeting of the Rhode Island Builders Association's Board of Directors, Membership and Education Director Cheryl Boyd, at right, displays a proposal for new, co-branded logos for the association and for the Residential Construction Workforce Partnership, parent of the new Jobs Bank, with an online home at RCWPJOBS.com.



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RHODE ISLAND CONVENTION CENTER

Member Profile: Jesse Maynard of Maynard Construction

There was no stopping Jesse!

By Paul F. Eno Editor

Dan Maynard didn't think his son Jesse was cut out for a construction job, so he gave the boy the toughest, dirtiest jobs around the shop at Maynard Construction, just to discourage him.

It didn't work.

"Like many contractors, I started working in the business with my father when I was 14, summers and during vacations. He started the business in 1979," Jesse recalls. "I worked through high school and college, and he always gave me the crummiest jobs!"

Because Jesse did well in school, Dan envisioned his son as, perhaps, a doctor or lawyer. But Jesse went his dad one better: He attended Rensselaer Polytechnic Institute in Troy, New York, the oldest and one of the finest technical universities in the country, became a mechanical engineer and re-joined Maynard Construction when he got home.

The Attleboro, Mass., native now works not only with his dad, but with his brother and a brother-in-law in what is a second-generation family business.

"Including our relatives, we have nine hard-working, conscientious employees who take pride in their work and respect their working environment. Seven work in the field," Jesse explains.

The company serves southeastern New England, generally within a 30-mile radius of its Attleboro base. The specialties: residential remodeling, with the occasional custom home for a good customer.

"We're a tightly-knit crew, and between all of us there's 130 years of construction experience, 110 of those spent at Maynard Construction. All are certified lead-safe remodelers in Rhode Island and Massachusetts."

That's largely thanks to the Rhode Island Builders Association, Jesse is happy to tell anyone who asks.

"The big member benefit we take advantage of at RIBA is the



Jesse Maynard

free tuition for ourselves and our employees. That includes the lead classes, mold awareness and many other subjects," Jesse says.

"Anybody you need to team up with, including suppliers and subcontractors, you'll find at RIBA. Everybody brings something to the table, and it's mutually beneficial."

Jesse cites Arnold Lumber's Lou Cotoia, a RIBA board member, as an example. "Lou has been a lot of help to us, and he demonstrates that we are all part of a team for our industry."

Jesse also cites the information RIBA provides to members as a major benefit.

"The information we get from RIBA, especially through the magazine, is a huge help to keep us in the know. RIBA has its finger on the pulse of what's coming down the pipeline."

So enthusiastic is Jesse about RIBA that he now serves on the board as a local director.

So what's in store for Maynard Construction?

Dan Maynard is still active in the business, and he provides the guiding hand of experience and continuity.

"We are a growing company with lots of repeat customers," Jesse emphasizes. "Like any good home with a good foundation, ours was laid down by my father, and I look forward to building on that foundation."



Maynard Construction BRC Inc.

Vice President: Jesse Maynard

RIBA member since: 2015

Focus: Remodeling and Custom Homes

Serves: Southeastern New England

Founded: 1979

Based: Attleboro, Massachusetts

Networking breakfasts continue at RIBA each month

The Rhode Island Builders Association's monthly Breakfast, New Member Orientation, Open House and Networking Event, is becoming increasingly popular as the event enters its fourth month.

Held on the third Thursday of every month between 8 and 10 a.m., the event is FREE and open to both members and non-members. The March Breakfast will take place on the 17th.

Over 30 members and guests attended the first Breakfast, on December 17th.

Members of the RIBA team are always on hand to answer questions about the many member benefits and how to use them, and to hear feedback. Participants also are able to meet industry peers, network, and will learn about their fellow members and what they do.

Many members have never visited the RIBA offices, and this Breakfast, New Member Orientation, Open House and Networking Event is a great opportunity to do so and to find out how things work at your trade association. The hot buffet includes eggs, bacon, home fries, fruit, coffee and more.

Non-members are also invited to stop by and learn about membership. Participants may stay past 10 a.m. if they wish, tour the RIBA offices and meet the staff. RSVPs are requested.

To RSVP, or if you or your company would like to sponsor a Breakfast, please contact Cheryl Boyd at (401) 438-7400 or cboyd@ribuilders.org.

To Our Members

If any Supplier or Contractor Member is hosting an event for contractors or subcontractors, please be aware that RIBA Membership and Education Director Cheryl Boyd or another member of the RIBA team would love to attend to represent the industry and provide information on RIBA membership and benefits.

Contact Cheryl at (401) 438-7400 or cboyd@ribuilders.org

Courses in Spanish are under way

March, April

WHAT & WHEN: Since February 6th, with CPR/AED/First Aid, OSHA safety and classes in other subject areas as they are scheduled. Call for information. See page 4.

WHERE: Various locations as announced.

COST: FREE

FOR INFORMATION AND TO REGISTER: Contact Latino Education Coordinator Betty Bernal at bbernal@ribuilders.org, or call (401) 438-7400.

Do you have Spanish-speaking employees?

Make sure they are knowledgeable and safe on the jobsite with the Rhode Island Builders Association's new Spanish-language courses, embracing subjects to improve their business and comply with regulatory requirements.

Taking place on Tuesdays and Thursdays through May 26th is "English for Contractors" at the Segue Institute for Learning, 361 Cowden St., Central Falls.

In February, the first CPR/AED/First Aid course in Spanish was offered at RIBA headquarters in East Providence, followed by the OSHA 10 Course on the 27th.

In March, OSHA 10 will be offered again on the 5th, with the 8 Hour Lead-Safe Remodeler/Renovator Course on the 19th.

Financial Literacy Seminars will be offered in April at Navigant Credit Union, 693 Broad St., Central Falls.

All Spanish-language courses are FREE.

Obituary

Silvio 'Chief' Generali, 88

Silvio D. "Chief" Generali of Johnston, a retired home builder and an active member of the Rhode Island Builders Association for many years, died on Thursday, February 4th, at the Philip Hultar Hospice Inpatient Center, Providence. He was 88.

Born in Providence in 1927, Mr. Generali was the husband of the late Vilma (Colella) Generali.

He is survived by a daughter, Joyce Generali of Kansas City, Mo., two grandchildren, three brothers and a sister. He was the father of the late Joseph Generali.

Entombment with military honors took place in St. Ann Cemetery Mausoleum, Cranston. Contributions in Mr. Generali's memory may be made to Holy Cross Church Memorial Fund, 18 King Philip St., Providence, RI 02909.

Visit NARDOLILLO.com for online condolences.

5 Hour Pre-Registration Course

March 4th, March 18th

New contractors only

WHEN: All dates, 8 a.m. to 1 p.m.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914

COST: \$250

DEADLINE TO REGISTER: One week before class

FOR INFORMATION AND TO REGISTER: Contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

The Contractors' Registration and Licensing Board (CRLB) now requires five hours of education for anyone who plans to register as a new contractor in Rhode Island.

The course includes: Introduction to Construction Contracts, Introduction to Construction Codes and Standards, Introduction to Construction Regulations and Regulating Agencies, Introduction to Construction Business Principles and Practices, and Workplace Health and Safety. Pre-registration is required for admittance.

OSHA Safety Class: Falls, Confined Spaces

March 10th

WHEN: 7:30 to 10:30 a.m.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914

COST: FREE for members and their employees, with a \$10 materials/registration fee. \$75 for non-members, with a \$10 materials/registration fee.

DEADLINE TO REGISTER: One week before class

FOR INFORMATION AND TO REGISTER: Contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

Falls are the number-one cause of injuries and fatalities on construction sites. And OSHA is aggressively enforcing its fall-protection requirements. This class will help you increase jobsite safety and reduce compliance problems.

Also, learn how to be safe in confined spaces that are not necessarily designed for people, such as tanks, storage bins, pits, equipment housings and ductwork. You must pre-register for this class. No admittance without pre-registration and payment.

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Lead licensing refresher

March 15th

WHEN: Tuesday, March 15th, 7:30 a.m. to 12 p.m.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914

COST: FREE for members and their employees, with a \$40 materials/registration fee. A \$75 charge for non-members and a \$40 materials/registration fee.

DEADLINE TO REGISTER: One week before class.

FOR INFORMATION AND TO REGISTER: Contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

This is a four-hour RRP refresher class with Scott Asprey of Risk & Safety Management, for contractors who have their lead renovator/remodeler certification and whose certificate is up for renewal.

Lead-hazard enforcement on residential jobsites is very strict, so keep your knowledge up to date!

The class will review lead-hazard controls and update attendees on any changes to state or federal regulations.

You must pre-register for this class. No admittance without pre-registration and payment.

OSHA-10 Course

April 13th-14th

WHEN: Wednesday & Thursday, April 13th and 14th, 7:30 a.m. to 1 p.m. each day.

WHERE: Rhode Island Builders Association headquarters, 450 Veterans Memorial Pky #301, East Providence 02914

COST: FREE for members and their employees with a \$40 materials/registration fee, \$125 for non-members with a \$40 materials/registration fee.

DEADLINE TO REGISTER: One week before class

FOR INFORMATION AND TO REGISTER: Contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

Scott Asprey of Risk & Safety Management will take participants through the OSHA 10-Hour Certification Course, which provides training in compliance with the Dept. of Labor & Training's municipal jobsite rules.

It trains safety directors, foremen and field employees in OSHA standards and highlights major safety concerns so that jobsite accidents can be reduced. Everyone completing the course will receive a copy of the OSHA Standard 29 CFR Part 1926 and an OSHA-10 certification card.



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Asbestos Awareness

April 28th

This course eligible for continuing-education credit

WHEN: Thursday, April 28th, 5-7 p.m.

WHERE: RIBA headquarters, 450 Veterans Memorial Pkwy. #301, East Providence 02914

COST: FREE for members, with a \$10 materials charge. \$50 for non-members, with a \$10 materials charge.

FOR INFORMATION AND TO REGISTER: Contact Sheila McCarthy at smccarthy@ribuilders.org, or call (401) 438-7400.

Join Instructor Lance Comeau of Rhode Island Analytical Labs for a history of asbestos, and its various uses and forms.

Also learn about the health effects associated with asbestos exposure and see examples of suspect asbestos-containing materials (ACM) and their possible location within buildings.

The class will also show attendees how to recognize damaged and deteriorated ACM materials, and what personal protective equipment should be used when working around asbestos on the jobsite. Asbestos bulk/air sampling methodologies will be covered also.

Asbestos is a highly litigious subject, and a heavily regulated material, so it's important for contractors to be up to speed!

Featured Products and Services for March 2016

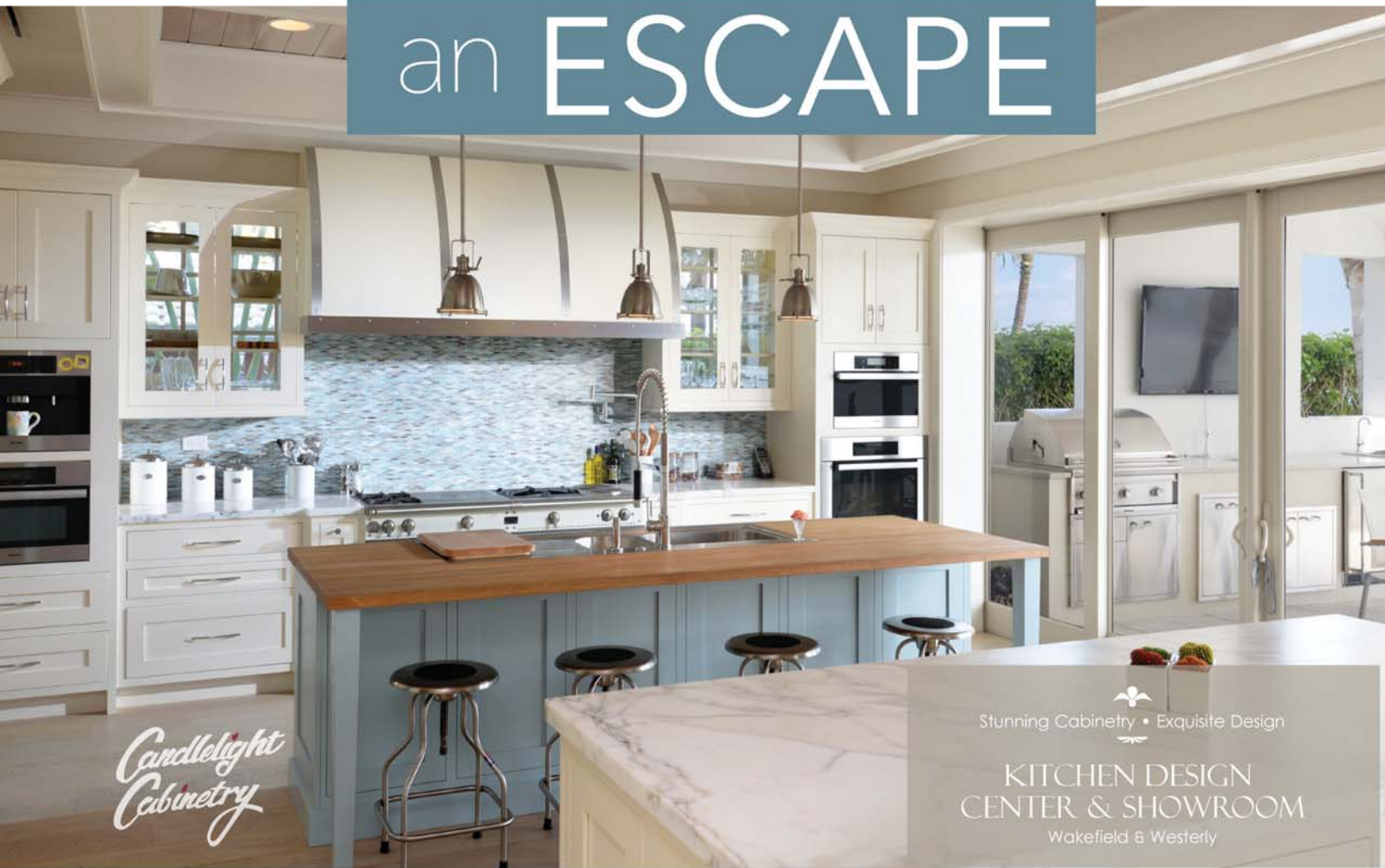


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Members honored at IBS

By Tracey Boyajian *President*

It was a StrengthsFinder Workshop on January 11th as the Rhode Island Builders Association's Professional Women in Building Council gathered with friends from the local chapter of the National Association of Women in Construction.

The presenter was Gallup-Certified Strengths Coach Scott Mackes. Attendance was great and it was a truly informative lecture.

National honors for PWB

PWB RI was well represented at the International Builders Show (IBS) in Las Vegas in January. While we didn't win any scholarship awards this year, we were able to make Rhode Island proud! Treasurer Carol O'Donnell received the \$500 Travel Grant to attend IBS.

Any PWB member may apply for the grant, and we were thrilled Carol was able to take advantage of it!

Also representing our group was Cheryl Boyd, past president of PWB and now RIBA's membership and education director. Cheryl was nominated for Woman of the Year.

Congratulations to Carol and Cheryl for representing Rhody so well!

Upcoming Events....

March 8th – Planning Meeting. What would our members like to work on this year? Who is interested and willing to be an officer? Let's put our heads together so collectively we can plan another great year for PWB.

Please drop me a note if you would like to attend. We will meet at 6 p.m. at ABCLeads.Com in East Greenwich.

April 26th – PWB Networking and Recruitment Event. Gather your employees, your customers, your friends and stop by RIBA to learn about all the great benefits of joining not only RIBA but PWB as well. This event is free to members, \$5 for guests.

We are the premier professional organi-



Seen at the International Builders Show in Las Vegas in January are, from left, past RIBA President Robert J. Baldwin of R.B. Homes, PWB Treasurer Carol O'Donnell of CRM Modular Homes, RIBA Membership and Education Director Cheryl Boyd and Louis Cotoia of Arnold Lumber Co.

zation that provides strategies and solutions for professional women in the building industry, and we are always looking for new members to bring their individual and professional talents to the group.

Employees of any company affiliated with the Rhode Island Builders Association are eligible to join PWB for only \$60 a year, and I ask that you encourage them to visit with us.



Kimberly Homs
President at
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How long have you been a RIBA/PWB Member?
2006

What benefits do you find from being a member?
It keeps me in touch with others in my industry locally.

What drew you into your career?

My father was a commercial general contractor, so I grew up with construction conversations and the satisfaction of building buildings. I started my construction industry career at Kohler Co. as it was located near my home town. From there I

see HOMS...page 25

On the national stage...



Steven Carlino

Our legislative advocacy program isn't limited to activities at our own State House. The Rhode Island Builders Association is very active on the national front through the National Association of Home Builders (NAHB).

One way we get involved is by attending the International Builders Show (IBS) each year. Along with a 500,000 square-foot trade show, this event also features many educational classes and other informative NAHB activities, including sessions on advocacy for our industry. Attendance at IBS was up 10 percent this year.

The one message we took away from the legislative meetings was that regulations, including those promulgated by executive order, are likely to stay to the "left" for the remainder of the current administration.

For example, the EPA's controversial Waters of the United States (WOTUS) Rule, vehemently opposed by our industry as gross overregulation, has been enjoined by a federal court, so that's the only reason it's on hold. There are executive orders that will af-

fect everything from Dept. of Housing and Urban Development (HUD) construction and remodeling programs, to flood plains and climate-change initiatives.

There are also issues with FHA, Fannie Mae and Freddie Mac financing.

Another major national issue is codes. NAHB expects that the federal government will push the international building codes as far left as they can. California has a code in process to require all residential construction to be energy net-zero by 2020.

In the code cycle to be voted on in June, NAHB expects the administration, coupled with the environmental movement and the Dept. of Energy, to insist that the residential building codes start moving toward net-zero nationally on a quick timeline. NAHB supports the environmental and energy codes as long as they have a less than 10-year payback.

Every city and town is entitled to four votes in the International Code Council (ICC), which decides whether to adopt these codes. Those votes include the local fire marshal, if there is one,

see **LEGISLATIVE...**page 24



Robert J. Baldwin

RIBA's Legislative Committee

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Opportunity for developers, builders, remodelers

R.I. Housing launches program to get distressed housing units occupied

By Paul F. Eno *Editor*

Rhode Island Housing joined state and municipal leaders from across Rhode Island on February 11th to launch a new down-payment assistance program to get distressed residential properties occupied again.

The Renewed Homes program provides \$20,000 to qualified first-time homebuyers purchasing previously foreclosed or otherwise distressed homes in 10 Rhode Island communities.

The initiative, funded by \$2.7 million from the U.S. Dept. of the Treasury's Hardest Hit Fund, may offer a significant opportunity for developers, builders and remodelers who have invested in a distressed one- to four-family home or condominium in Central Falls, Cranston, East Providence, Johnston, North Providence, Pawtucket, Providence, Warwick, West Warwick or Woonsocket.

The program is structured as a forgivable second mortgage. Buyers who remain in homes purchased through the program for at least five years are not required to repay the second mortgage. If the buyer sells, refinances or no longer uses the home as their primary residence within that five-year period, a portion of the second mortgage would have to be repaid.


"Increasing homeownership and reducing the number of vacant and foreclosed properties strengthens neighborhoods and plays a crucial role in rebuilding Rhode Island's economy," commented Gov. Gina Raimondo at the February 11th launch ceremony.

The Renewed Homes funding, which will be distributed on a first-come, first-served basis, is expected to assist roughly 135 eligible Rhode Island homebuyers.

"Rhode Island's real estate market is showing signs of progress, and Rhode Island Housing is committed to building on this momentum," said Rhode Island Housing Executive Director Barbara Fields.

"This program will turn on the lights in homes that have been empty and quiet for too long, and make them part of strong, vibrant neighborhoods again," Ms. Fields added.

To qualify for the down-payment assistance, first-time homebuyers must also obtain a Rhode Island Housing first mortgage through a participating lender or the agency itself. Eligible properties must be in one of the targeted communities, and they must have been the subject of a "qualifying event," including foreclosure, receivership, transfer by deed in lieu of foreclosure, or approval for short sale by a mortgage lender.

For more information, contact Rhode Island Housing at (401) 457-1180 or visit RenewedHomesRI.org. 

Environmental Committee

RIBA moves to rein in 'trigger' figure for OWTS

By Thomas E. D'Angelo & Timothy A. Stasiunas *Co-Chairmen*

Among the recent activities of our Environmental Committee has been the Rhode Island Builders Association's response to the "Proposed Amendments to The Rules Establishing Minimum Standards Relating To Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems" (OWTS).

While we commend the Dept. of Environmental Management (DEM) for its hard work on this issue and for using these regulations to speed the statewide cesspool phaseout, we do have concerns in several areas.

The major one is the finalized version of Rule 17. This Rule essentially applies to the "critical resource area" along the Route 1 corridor in South County. It sets the minimum square footage at which an addition or remodel triggers an OWTS review and possible upgrade or replacement.

We oppose reducing the trigger area from 600 square feet to 400, as proposed. We submitted our concerns in writing and are hoping to come up with a mutually acceptable resolution.

Watch for more information as this issue develops. 



In addition to this important matter, RIBA continues to monitor issues with Rhode Island's drinking water and sewer infrastructure. Watch our next issue for more.

-Executive Director John Marcantonio



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New NAHB publication highlights builder liability

Now available to National Association of Home Builders (NAHB) members on NAHB.org is the latest *Construction Liability and Risk Management Update*. This document includes reports on legal issues that can have a direct impact on a home builder's business operations.

Members of the Rhode Island Builders Association automatically belong to NAHB.


First up: Recent claims involving elevated formaldehyde content in imported wood flooring is a continuing issue for some members. Also read about an insurance-coverage decision finding that the insurer had no duty to defend a spray-foam insulation manufacturer for alleged injuries to homeowners, a legal victory for Minnesota builders in a challenge to a sprinkler mandate, and a recent court decision from Iowa finding the CGL policy covers property damage resulting from defective work.

Also in this issue:

- News about a study in California on soil subsidence caused by the years-long drought,
- OSHA enforcement actions,
- An Illinois decision finding that the

implied warranty of habitability does not extend to architects, and

- News about a memorandum of understanding between the U.S. Depts. of Justice and Labor to investigate and prosecute worker-endangerment violations.

The *Update* is published by NAHB's Construction Liability, Risk Management and Building Materials Committee for the education and information of NAHB members. You must be logged in to NAHB.org to see the publication. 

NEW LOOK...*from page 10*

new RCWP Jobs Bank. The Jobs Bank is expected to be a major conduit between residential construction firms and the new, skilled employees they need.

RIBAEDUCATES.com will be an online information source for the association's expanding educational programs.

The Jobs Bank

When will the Jobs Bank start? The Jobs Bank should be up and running by the end of March.

Who can use it and how? Any employer in the residential construction industry may participate in the Jobs Bank by signing up for an account online.

RIBA member companies, as potential employers, will automatically be given accounts. Each account will have a username and a password, and participating companies may post detailed job openings.

From the potential employee side, those who wish to apply for jobs will be able to post their availability on the Jobs Bank site, along with their resumés.

How will we get the word out about the

Jobs Bank? The RCWP will publicize the Jobs Bank to companies and potential employees.


This will include an outreach through suppliers and career and technical education (CTE) programs.

In addition, the Jobs Bank will be promoted to companies and potential employees through the Residential Construction Live Registration Event at the 2016 Home Show. *Related story on page 2.*

Contact Cheryl Boyd at RIBA for more information and to learn how to set up your Jobs Bank account, (401) 438-7400 or cboyd@ribuilders.org.

Spotlight on education

RIBAEDUCATES.com will highlight RIBA's many educational opportunities. Member and non-member contractors will be able to check this site for class topics and schedules.


For more information as these new information sources develop, watch *The Rhode Island Builder Report* or contact Ms. Boyd at (401) 438-7400 or cboyd@ribuilders.org. 

LEGISLATIVE...*from page 20*

along with any combination of the municipality's building or planning officials.

We urge all RIBA members to talk with your local building and planning officials and encourage them to join the ICC if they haven't already. In doing so, they will be able to vote online when these code proposals come up, and not have to travel to the 2016 code hearings in Louisville, Ky., in April.

More information can be found at www.ICCSAFE.org.

All RIBA members are urged to attend the 2017 IBS, which will take place in Orlando, Fla., next January 10th-12th. You'll be amazed what you can learn there! 

**For more information on
scheduled RIBA classes,
see pages 12-14 and the calendar on page 4.
If there is a class you would like
to see offered,
contact Sheila McCarthy at (401) 438-7400
or smccarthy@ribuilders.org**

HOMS...from page 19

had a great opportunity to work for a new company in the stone industry, and that is where I have been since.

What sets your company apart from the others?

We try to solve others challenges before they become problems. We have been very successful in the commercial market because of it.

Do you have any particular charity that is close to your heart?

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Nope. Grew up in Wisconsin.

Patriots or Dolphins?

Green Bay Packers



**For membership information
contact Cheryl Boyd or Elise Geddes
(401) 438-7400 or
cboyd@ribuilders.org, egeddes@ribuilders.org**



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Patrick Gengarella & Donald Englert

Rhode Island Dept. of Revenue

TAXES...from page 1

At the heart of the issue is Regulation SU 91.27 (www.TAX.ri.gov/regulations/sal-estax/91-27.php) and DOR's interpretation of it, they explained. Article numbers in the headings below refer to sections of 91-27, which we reprint in full on page 28. Sections specifically referred to below are highlighted in bold in the reprinted regulation.

Official forms referred to below may be found online at www.TAX.ri.gov/taxforms/sales_excise/sales_use.php



Patrick Gengarella



Donald Englert

(Article 1) What contractors have to pay sales tax on

A contractor shall pay the tax as a consumer on the purchase of all materials, supplies, tools and equipment, including rentals thereof and all replacement parts used by him in fulfilling either a lump-sum contract, a cost-plus contract, a time and material contract with an upset or guaranteed price which may not be exceeded....

ENGLERT: This first article refers to what DOR considers "lump-sum" contractors or subcontractors, ones who pay the sales tax as consumers on what they buy or rent.

Our interpretation is that if you have a contract based on a bid, quote or proposal, and it's a one lump-sum charge – say \$15,000 for a roof, you as a contractor are the consumer of the supplies. You pay the sales tax, and there is no sales tax due on the \$15,000 job itself.

I've been here for 35 years, and that has existed in the regulation since before I got here.

There are two exceptions in a time-and-material contract (Outlined in Sections a and b of Article 1).

Where the contractor or subcontractor sells materials, then charges separately for labor, or just sells materials or items out of, for example, a showroom or retail outlet, that contractor or sub is considered a retailer. The labor is exempt, but the materials are taxable.

In that case, the contractor must have a permit to make retail sales, and has to give a resale certificate to suppliers so they are covered for their tax liability. The contractor doesn't lose their contractor status but, when they go time-and-material, they have to charge sales tax on the gross selling price of the materials.

Most contractors we see are lump-sum, but with the time-and-material people, we get the question: "Am I a contractor or retail-

er?" In this case, you're both. That's not to say you can't do a lump-sum job one week and a time-and-material the next. So the taxability depends on the job.

(Article 2) What is exempt from the sales tax?

Contractors performing construction contracts for the federal government, its agencies or instrumentalities, this state, or any other state of the United States of America, its agencies, any city, town, district, or other

political subdivision of said states, hospitals not operated for profit, educational institutions not operated for profit, churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes, may purchase without payment of the tax, materials and supplies which are essential to the construction project and which are to be utilized in the construction thereof.

ENGLERT: In contracts with the federal government, the State of Rhode Island or any other state, any municipality, or any tax-exempt agency or institution such as Providence College or Miriam Hospital, materials and supplies a contractor purchases that are essential to the construction project are not subject to sales tax.

You just have to get the exempt agency's tax-exemption number, then give a Contractor's Exempt Purchase Certificate to the supplier.

I should point out that incidental items like temporary signs, barricades and barrels are not exempt. And any materials bought tax-exempt must be used for the tax-exempt agency's job. In other words, you can't buy materials *en masse*, intending to use some of them for other jobs.

Another very important point is that this exemption does not apply to tools and equipment.

So here are examples I've been using for years: If you're doing a driveway or sidewalks for a tax-exempt agency, the asphalt and concrete that goes into the job is tax exempt. If you buy drill bits or sandpaper specifically for that tax-exempt job, those are supplies and they are tax exempt.

However, if you buy a drill or a sander, doesn't matter what the job is, that's equipment and not tax exempt.

So that's three levels to consider: materials and supplies for specific use in the tax-exempt job are not subject to sales tax. Equipment for any job is subject to sales tax.

see **SALES & USE**...next page...

SALES & USE...from previous page

If you buy materials or supplies from outside Rhode Island

GENGARELLA: Most contractors buy their materials from local lumber yards. Many out-of-state vendors are registered with us to collect Rhode Island sales tax. But if you buy from an out-of-state vendor who is not registered with us, the contractor is liable for submitting to us the 7 percent sales tax due on that purchase.

The hard-to-understand part is when a contractor goes out of state, purchases materials, then brings them back to Rhode Island for use. That's when the "use tax" kicks in.

Say a Tiverton contractor goes to Fall River to buy materials, and pays 6¼ percent Massachusetts sales tax to that supplier. The contractor brings those materials back to Tiverton to do the work. Technically, he owes us the ¾ percent difference in the sales tax.

Suppose he buys \$1,000 worth of material in Fall River. He'll pay \$62.50 in Massachusetts sales tax. On his use-tax return, he notes the \$1,000 purchase and he will technically owe us \$70, or the 7 percent Rhode Island sales tax. However, if the contractor has the invoice that proves he paid the \$62.50 in Massachusetts, we will give him a credit for that and he will only owe Rhode Island \$7.50.

What if your out-of-state supplier delivers the materials in Rhode Island?

GENGARELLA: If that out-of-state vendor is registered with us to collect Rhode Island sales tax, the contractor is off the hook. But if the vendor is not registered with us and delivers materials in Rhode Island, the contractor is not obligated to pay another state's sales tax. That should just be scratched out on the invoice.

The contractor then remits the 7 percent Rhode Island sales tax to us with their next sales and use tax return.

Some of these out-of-state vendors don't know about this regulation, which could result in a problem on delivery. I'd say it's up to the Rhode Island contractor to make this clear to the out-of-state vendor before even making the purchase, and certainly before arranging for delivery.

How often must you file a sales and use tax return?

GENGARELLA: First, that can all be done online at the DOR website with Form T-205 (at the bottom of the downloadable forms list), the Consumer's Use Tax Return. A contractor can use that on an as-needed basis.

A given contractor might work for eight months in Rhode Island, buying all materials and supplies here and paying the sales tax normally, at the time of purchase. Then, in the ninth month, he does a job close to the Connecticut line and has materials delivered by a Connecticut vendor who isn't registered with us.

When that job is done, the contractor must file the T-205 form, with payment within 20 days. If there are multiple jobs of that kind, the contractor can file one form and pay the use tax for all those deliveries at once as long as it's within 20 days of the first delivery.

It's essentially a once-a-month filing, but there's no need to file unless they have a liability.

ENGLERT: Just to follow up on this and my own comments

about the time-and-material contractors: If a contractor also has a sales-tax permit as a retailer, which is different from the use tax, and is a once-a-month filer, he does have to file (Form 204M) whether he has had any sales or not.

GENGARELLA: Yes, I was talking about contractors who don't have retail sales permits.

(Article 3) How does the sales tax apply to contractors not based in Rhode Island?

GENGARELLA: Any contractor who does not have a place of business in Rhode Island is a non-resident contractor or subcontractor. When any Rhode Island company, including a contractor, hires a non-resident contractor, that Rhode Island company must withhold 3 percent of the contract cost. The Rhode Island company has to hold the 3 percent in trust. When the non-resident contractor completes the job, the Rhode Island company gives 97 percent of the contract amount to the contractor and informs them that they have to contact DOR and get a Certificate of No Tax Due.

When the non-resident contractor contacts us for that, we look at their records and see whether they have properly filed their use and withholding taxes, then we issue that certificate, usually within 30 days. They give that certificate to the Rhode Island company, which can then give them the remaining 3 percent of the contract cost.

If the non-resident contractor fails to get that Certificate of No Tax Due from us, the Rhode Island company sends the 3 percent to us in lieu of us auditing the non-resident contractor's records.

That's something that's missed a lot because many Rhode Island contractors don't know about that part of the regulations. That's something that Rhode Island Builders Association members need to pay attention to when they hire subs out of Massachusetts or Connecticut. They have to withhold that 3 percent.

If your sales and use tax records are audited

GENGARELLA: Contractors usually keep job folders or job-cost sheets. We'll come in and audit those for a three-to-six-year period, depending on the situation. We will ask for all the jobs performed in that time frame. All the purchase invoices should be in the job folders.

We go through and make sure they've paid sales tax where it was due (as outlined above). We certainly look at the sales and use tax returns, making sure that the tax difference was properly paid on out-of-state purchases. We'll look at capitalized equipment, and items they purchased that aren't for a specific job and that they might have claimed an exemption for.

How long will it take? Sometimes a contractor is busy and asks us to wait, so the clock keeps ticking. At other times, records are misplaced, so the contractor has to spend time finding them.

Our motto is, "We trust but we verify." If they are careful about keeping their records, and keep them in the job folder, it makes it easier and quicker for everyone.

An average audit can take about six months and up to nine months.

The new Self-Audit Program

GENGARELLA: We have a new program, and we've sent
see REVENUE, page 29

R.I. Sales and Use Tax - Regulation SU 91-27 ***Contractors and Subcontractors - 'Regulation C'***

ARTICLE I. Contractors and Subcontractors - In General

The term "contractor" as used herein includes both contractors and subcontractors and including but not limited to building, electrical, plumbing, heating, painting, decorating, paper hanging, air conditioning, ventilating, insulating, sheet metal, steel, masonry, carpentry, plastering, cement, road, bridge, landscape and roofing contractors or subcontractors.

The term "construction contract" as used herein means a contract for the repair, alteration, improvement, remodeling or construction of real property.

(1) Taxability of Sales to or by Construction Contractors

A contractor shall pay the tax as a consumer on the purchase of all materials, supplies, tools and equipment, including rentals thereof and all replacement parts used by him in fulfilling either a lump-sum contract, a cost-plus contract, a time and material contract with an upset or guaranteed price which may not be exceeded, or any other kind of construction contract except:

(a) where the contractor contracts to sell materials or supplies at an agreed price and to render service in connection therewith, either for an additional agreed price or on the basis of time consumed, or:

(b) where such contractor is engaged in the business of selling such materials or supplies at retail.

In the case of either (a) or (b), the contractor is a RETAILER and must have a permit to make sales at retail and the contractor shall give the person selling such materials or supplies a resale certificate bearing his/her permit number and collect the tax from the person to whom he/she sells the same. When such use is made of a resale certificate by a contractor, it shall be limited to the exceptions included in (a) or (b) above and the contractor shall be held strictly and solely accountable for the collection of the sales tax involved and the payment to the state of all taxes due thereon based upon gross receipts from such retail sales and such contractor shall further be held strictly accountable for the payment of the use tax to this state in the event he/she shall make any use of such property other than retention, demonstration or display while holding it for resale or in the event the contractor shall make out-of-state purchases subject to the use tax.

(2) Tangible Personal Property Fabricated by Contractors

A contractor may in certain instances fabricate part or all of the articles which he/she uses in construction work. For example, a sheet metal contractor may partly or wholly manufacture roofing, cornices, gutter pipe, furnace pipe, furnaces, ventilation or air conditioning ducts or other items from sheet metal which he or she purchases, and use these articles, pursuant to a contract for the construction or improvement of real property. In such a contract the partly or wholly manufactured articles are not made for resale as tangible personal property but for incorporation into the work to be performed. In this instance the sale of sheet metal to such contractor constitutes a sale at retail by the contractor's supplier within the meaning of the law and the contractor pays the tax as a consumer when he/she buys the same. This is so whether the articles so fabricated are used in the alteration, repair or reconstruction of an old building, or are used in new construction work.

(3) Contractors Who sell Complete Units of Standard Equipment at Retail and Install Same

This regulation is not applicable to contracts whereby the contractor or subcontractor acts as a retailer selling tangible personal property in the same manner as other retailers and is required to install a complete unit of standard equipment, requiring no further fabrication but simply installation, assembling, applying or connecting services. In such instances the contract will not be regarded as one for improving, altering or repairing real property. For example, the retailer of an awning or blind agrees not only to sell it but to hang it; an electrical shop sells electrical fixtures and agrees to install them. A person performing such contracts is primarily a RETAILER of tangible personal property and must have a permit to make sales at retail and should segregate the full retail selling price of such property from the charge for installation, as the tax applies only to the retail price of the property.

(4) Modular Homes

The following provisions of this regulation relating to modular homes, effective January 1, 1992, were issued in response to major changes in the prevalent business practices by out-of-state manufacturers in the modular home industry and set forth the Division of Taxation's sales and use tax treatment of the various methods of doing business within that industry.

For the purposes of this regulation, a manufacturer of modular homes in making sales of such property to builder dealers will be treated as a contractor who will owe use tax on the cost of the materials only if the following conditions are met:

The actual placement is accomplished solely by employees of the manufacturer or a subcontractor working under the direct supervision and control of the manufacturer. The manufacturer completes delivery and installation by affixing the modules to the foundation, by aligning the modules, bolting them together, installing support columns, and making the building weather-tight.

Employees or agents of the builder-dealer do not participate in transporting, transferring, attaching, erecting, or weather-proofing the building.

If the transaction between the manufacturer and the builder-dealer is not as enumerated above then such transaction will be considered a retail sale of tangible personal property and sales or use tax must be charged on the full retail selling price including charges for transportation which occur prior to the passage of title.

ARTICLE II. Contracts with EXEMPT Agencies, Institutions and Organizations

Contractors performing construction contracts for the federal government, its agencies or instrumentalities, this state, or any other state of the United States of America, its agencies, any city, town, district, or other political subdivision of said states, hospitals not operated for profit, educational institutions not operated for profit, churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes, may purchase without payment of the tax, materials and supplies which are essential to the construction project and which are to be utilized in the construction thereof.

Exemption applies only to materials and/or supplies essential to the project which are to be utilized in the construction of the project. Therefore, items such as temporary signs, barricades, barrels, etc. do not qualify for exemption. Also, materials and supplies purchased extax which are not earmarked for a particular exempt project will be deemed taxable.

Exemption hereunder does not apply to tools and equipment and parts therefor and tax applies to the sale or rental of such tools and equipment to contractors.

In order to purchase qualifying materials and supplies without payment of the tax the contractor shall provide suppliers with a Contractor's Exemption Certificate in the form set forth herein, showing the reasons for exemption; and the contractor's records must show the disposition of all property so purchased. If any such property is then used for a nonexempt purpose, the contractor must pay the tax on the property so used. *CROSS REFERENCE - REGULATION SU96-48 RE: EXEMPT AGENCIES, ORGANIZATIONS AND INSTITUTIONS -- SALES TO.*

ARTICLE III. Nonresident Contractors

Any individual, partnership, joint venture, corporation, state, municipal government or exempt organization awarding a construction contract in Rhode Island to a nonresident contractor (as hereinafter defined) is required, pursuant to Section 44-I-6 of the General Laws, as last amended, to withhold 3% of the contract price to secure payment of any sales and use tax or income tax withheld, or both, that may be due to the State of Rhode Island in carrying out the contract.

Definition of nonresident contractor - A nonresident contractor is one who does not maintain a regular place of business in this state. A regular place of business shall be deemed to mean and include any bona fide office (other than a statutory office), factory, warehouse or other space in this state at which the taxpayer is doing business in its own name in a regular and systematic manner,

see REGULATION...next page

REGULATION...from previous page


and which is continuously maintained, occupied and used by the taxpayer in carrying on its business through its regular employees regularly in attendance. A temporary office at the site of construction shall not constitute a regular place of business.

Upon completion of the contract, the nonresident contractor is required to notify the Tax Administrator in writing by certified or registered mail (in duplicate) to audit his/her records for the particular project. At such time the contractor is required to have available on the job site or within this state, sales and use tax records and employees' personal income tax withheld records.

Receipted copies of this request are to be furnished by the Tax Administrator to the nonresident contractor and to the person holding the funds.

The Tax Administrator shall, within 30 days after receipt of the request, audit the records and provide by certified mail to the person holding the funds and to the nonresident contractor, either a certificate of no tax due or a notice of taxes due.

The person holding the funds is required to pay over to the Tax Administrator the amount set forth in the notice of taxes due, including interest and penalties, but not in excess of 3% of the contract price. Monies withheld in excess of taxes due the Tax Administrator may be paid over to the nonresident contractor.

If the Tax Administrator does not furnish a certificate of no tax due or a notice of taxes due within 30 days after receipt of the request for the making of the audit, the person holding the funds may remit the full amount due to the nonresident contractor. The Tax Administrator shall not have any claim against such funds in the hand of the person holding the funds. 

HOME SHOW...from page 2

RIBA members receive 5 percent off on exhibit space, and the RIBA team will help you design your exhibit.

For members who don't want to commit to the entire four-day event, there are special day rates to exhibit at the RIBA Pavilion.

Huge presence for future workforce

In an unprecedented liaison between RIBA, the Residential Construction Workforce Partnership (RCWP) and the state's CTE programs, students from around the state will construct the elements of four of the Home Show's major attractions: the Ultimate Solar Tree House (handicapped-accessible thanks to an elevator from Home Healthsmith); the seven-room Interior Design Showcase; the Solar Showcase, involving the electrical students; and the five-room Home Technology Showcase, sponsored by Cox Communications.

Supervised by their own project managers, students will construct all components at their school facilities. These will then be trucked to the Convention Center by the suppliers who are providing the building materials.

"This will not only provide these great attractions at the Home Show, but also give the CTE students a chance to network with contractors and suppliers," said RIBA Executive Director John Marcantonio. "It will let them showcase their work, and give them hands-on, real-world experience working in the residential construction industry."

Jobs Bank to be highlighted

The RCWP has embarked on a campaign to encourage Rhode Island CTE students to stay in the state and work in the residential construction industry here, Mr. Marcantonio pointed out.

Accordingly, the Home Show will feature a Residential Construction Live Registration Event for the Jobs Bank, in the Con-

REVENUE...from page 27

vention Center lobby. Coupons for Home Show discount admission will be given to registrants.


letters to 3,300 Rhode Island businesses that don't have sales-tax permits, and that includes a lot of contractors. RIBA may get some questions about this.

The Self-Audit Program encourages people who have not filed their use taxes to come forward. They can look at their own records and send us their results and any liability due.

This can be of great benefit to contractors. That's because when we audit a contractor who doesn't have a sales-tax permit, we do a six-year audit because we consider them a non-filer. The Self-Audit Program only looks back three years, and that cuts their liability in half.

And if they complete the self-audit in a timely manner, we knock the interest on their liability down from 18 percent, or 1½ percent a month, to 6 percent, or ½ percent a month, and we levy no penalty (usually 10 percent of the tax).

This is an ongoing program, and they can contact us for guidance on how to do the self-audit.


For more information about the sales and use tax, filing returns, and the Self-Audit Program, call DOR at 401-574-8962. 

vention Center lobby. Coupons for Home Show discount admission will be given to registrants.

Gerry Manning, supervisor of technical instruction at William M. Davies Jr. Career and Technical High School, said the Home Show involvement means a great deal to his students.

"We're very willing to bring students to worksites and expose them to many residential construction career opportunities. Working with the Home Show is a great chance for them to build partnerships with contractors," Mr. Manning said. "We hope this will create opportunities for site visits, internships or job shadowing."


It's important to get students excited about their job possibilities in the industry, according to Mr. Manning, who noted that his students are working on the Ultimate Solar Tree House project.

The 2016 Home Show has many sponsors and partners, including National Grid, Cox Communications, RINLA, RILBMDA, Arnold Lumber/Unilock, R.I. Kitchen & Bath, Sunwatt Solar, LIST, Ann Clark Architects, Andersen Corp., the state OER, AARP, AAA, Lighting & Design by J&K Electric, Home Healthsmith, and the Rhode Island School of Design. 

HOME SHOW SUPPORT...from page 2

also looking into providing logo T-shirts for all the students at the Home Show."

Andersen Corp. is a longtime RIBA member, has been a major sponsor at many association events over the years, and a major Home Show exhibitor for many years. Don himself is a familiar face at RIBA.

"We thank Andersen Corp. and Don for their support! In addition to what they are doing for the Home Show, they are also active in the Residential Construction Workforce Partnership, helping to bring the next generation of contractors into the industry," said RIBA Executive Director John Marcantonio. 

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