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New Florida law nails shoddy roofs

Some say it is costly to homeowners, panders to insurance companies

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Gerry Hirt stood on the roof of a new home and showed all the requirements that a state law going into effect today mandates: more nails to connect plywood to gables, a waterproof layer under shingles or metal roofing, and connections holding gables to walls.

"They passed the law and didn't tell nobody," said Hirt, who has been a roofing contractor for 25 years.

He pulled at an expensive sheet of woven plastic designed to add a second layer of waterproof material under a shingled or metal roof.

"This isn't a building code change: It's a law," he said.

Sen. Bill Posey, R-Rockledge, was one of the sponsors of the state's new "Hurricane Damage Mitigation" law. Owners of single-family homes built before 2002 must make certain repairs when installing a new roof, the law states.

They include:

- Ensuring that the plywood is securely fastened to the gables by re-nailing. In addition, a new waterproof layer must be adhered to the plywood.
- Securing gables to walls with connectors to ensure roofs of homes valued at more than \$300,000 do not lift off during a storm.
- Requiring the installation of hurricane shutters for homeowners doing more than \$50,000 worth of work to a home valued at more than \$750,000.

The law does not affect commercial properties, condominiums, apartment buildings or construction after 2002, when new hurricane codes went into effect in most of the state.

Hirt said that on average, the required materials plus labor will equal about \$2,150 extra per roof for houses worth less than \$300,000. The law requires that the improvements total 15 percent of the roofing job.

Insurance implications

Posey defends the law's intent, calling it the ultimate solution to the property-insurance crisis.

"If you have every house in the state hardened to the present code, then your exposure to cost is five to eight times less," Posey said.

Hirt said he doesn't object to the intent of the law, calling the improvements good and saying they will keep homeowners safe and their houses better protected during hurricanes. But he objects to the added cost to consumers who might not be able to afford the extra expense, to the "sneaky" way the law was passed and to how it benefits the insurance companies, he said.

"It's blatantly succumbing to the will of the insurance companies," Hirt said. "They passed something

unreasonable without conferring with the building departments."

Hirt said that the wording of the law is similar to wind mitigation discount forms offered for years by insurance companies.

The law was part of a larger bill signed by Gov. Charlie Crist in June meant to create "My Safe Florida Home."

The bill also provides free single-family home inspections to determine what improvements need to be made and allows for grants of up to \$5,000 to help homeowners pay for shutters, new exterior and garage doors, and bracing roof ends.

All those improvements lead to the discounts from insurance companies that also are mandated by Florida law.

Hirt questions why the new law only pertains to single-family homes.

"If it was a building code, purely for the safety of the people of Florida, everybody would have to do the same thing," he said.

Explaining why homeowners were singled out, Posey said lawmakers "had to start somewhere."

Impact on contractors

As of today, Hirt and other roofers who fail to comply with the law could be arrested.

"The difference between a code and law is that a code is a minimum standard," Hirt said. "A law says whether you can afford it or not, you must do these things."

He fears that homeowners, hoping to avoid costly repairs, might rely on contractors who want to skirt the law.

Posey said that if contractors try to avoid the new law, building inspectors will catch them, and they will be prosecuted.

The senator said his staff wrote the original bill and that they conferred with insurance industry and building experts.

Another law passed recently mandates that any "excess profits" made by insurance companies should be passed back to policyholders.

"I don't know of any other state that does that," Posey said.

An alternative

Local building inspectors said that the new law is a double-edged sword.

"The insurance industry is absolutely trying to limit their liability, but the consumer's investment is better protected," said Todd Morley, a building official for the city of Cape Canaveral. "The homeowner will end up paying for it, and they'll lose in that respect."

Morley said permit fees would also go up because more inspections are going to be required. The fees range from about \$30 in Rockledge to more than \$300 in Cocoa Beach.

But there is one way out for homeowners hoping to avoid the costly repairs.

According to the Florida Roofing, Sheet Metal and Air Conditioning Contractors Association,

homeowners putting a roof over an existing roof are exempt.

For example, just before the 2004 hurricanes, a Wabasso bait shop owner screwed a metal roof onto a shingled roof.

The shop was undamaged during the storms, which caused at least \$33 billion in damage throughout Florida.

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