

**Issue DS 2021-039:** The petitioner, David Ross, of Tierra Inc. is seeking a declaratory statement regarding whether the entire roofing surface of both roof sections of the project in question are required to be replaced by the Florida Building Code or whether a repair could be performed to remediate the wind damage and still be in accordance with the Florida Building Code.

Petitioner seeks clarification of the following questions:

Question 1: Does the entire roof at the subject residence need to "[to be] replaced to conform to the requirements of this code" even if it has been permitted after October 1, 2005 and subsequently approved (language from 2020 Edition of the FBC)?

Question 2: Can the roof at the subject residence that has been permitted after October 1, 2005 and subsequently approved and conforms to the requirements of this code be repaired even if more than 25 percent of the roof was damaged?

### **Background:**

The Petitioner, David Ross is the Director of the Forensic Engineering Division at Tierra, Inc. The Petitioner inspected a single-family residential structure in Naples, Florida. The structure consists of concrete masonry unit (CMU) construction clad with a painted stucco veneer and is covered by a combination hip and gable roof clad with a concrete tile roofing system. The structure bears on a soil-supported shallow foundation and concrete slab- on-grade. The Collier County, Property Appraiser's website indicates that the residence was built in 2007. The homeowner is the original homeowner and has not changed the roof since it was built in 2007.

The roof at the subject residence had a difference of elevation between two sections of the roof, and therefore consisted of two separate roof section. The main roof section at the subject residence was 4,474 square feet. There was another small roof section that measured 256 square feet. During the Petitioner's site visit, it was determined that 1,300 square feet of the main roof section and 70 square feet of the smaller roof section were damaged as a result of Hurricane Irma. This is approximately 29 percent of the main roof section and 27 percent of the smaller roof section.

When referencing "this code", it is the Petitioner's understanding that the FBC is referencing the establishment of the FBC. The First Edition of the FBC was the 2001 Edition that was adopted on March 1, 2002; however, the first version of the "Existing Building" Section of the FBC was not introduced until the 2004 Edition of the FBC, which was adopted on October 1, 2005.

The purpose of this letter is to make a petition before the Florida Building Commission for a Declaratory Statement regarding whether the entire roofing surface of both roof sections are required to be replaced by the FBC or whether a repair could be performed to remediate the wind damage and still be in accordance with the FBC.

It is the Petitioner's interpretation of Section 706.1.1, "...unless the entire existing roofing system or roof section is replaced to conform to the requirements of this code" to mean that if a permit was issued after October 1, 2005, and subsequently approved, the roof would already conform to the "requirements of this code" and therefore, no replacement to conform with the code would be required. The significance is that for a roof permitted after October 1, 2005, the roof would not require a full replacement, even if more than 25 percent of the roof was damaged.

## **7<sup>th</sup> Edition (2020) Florida Building Code – Building**

**[A] 105.3 Application for permit.** To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

## **7<sup>th</sup> Edition (2020) Florida Building Code - Existing Building**

**Section 101.1 Title.** These regulations shall be known as the *Florida Building Code, Existing Building*, hereinafter referred to as "**this code.**" In addition to the provisions of this chapter, the provisions of Chapter 1, *Florida Building Code, Building*, shall govern the administration and enforcement of this code.

**706.1.1** Not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of **this code.**

## **Staff Analysis**

**Option #1/Petitioner:**

**Question 1:** Does the entire roof at the subject residence need to "[to be] replaced to conform to the requirements of this code" even if it has been permitted after October 1, 2005 and subsequently approved (language from 2020 Edition of the FBC)?

**Answer:** The Petitioner's answer to the question is no.

**Question 2:** Can the roof at the subject residence that has been permitted after October 1, 2005 and subsequently approved and conforms to the requirements of this code be repaired even if more than 25 percent of the roof was damaged?

**Answer:** The Petitioner's answer to the question is yes..

**Answer to questions 1 and 2:**

**Option #2/FRSA's Motion for leave to intervene (See attached)**

**Question 1:** Does the entire roof at the subject residence need to "[to be] replaced to conform to the requirements of this code" even if it has been permitted after October 1, 2005 and subsequently approved (language from 2020 Edition of the FBC)?

**Question 2:** Can the roof at the subject residence that has been permitted after October 1, 2005 and subsequently approved and conforms to the requirements of this code be repaired even if more than 25 percent of the roof was damaged?

**Answer to Question 1 and 2:**

FRSA urges the Commission to interpret "this code" as used in 706.1.1 to apply instead to the active code at the time of the permitting and approval of construction which would then require the rule requiring full replacement to roofs which have incurred damage to more than 25% of the area whether such roof was built before or after October 1, 2005.

### Option #3/ Staff

**Question 1:** Does the entire roof at the subject residence need to "[to be] replaced to conform to the requirements of this code" even if it has been permitted after October 1, 2005 and subsequently approved (language from 2020 Edition of the FBC)?

**Answer:** The answer to the Petitioner's question is yes. As per section 706.1.1 of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building, the entire roof in question is required to be replaced to conform with the requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building. As per section 101.1 Title of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building, "this code" means the current active version of the Code (i.e. the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building).

**Question 2:** Can the roof at the subject residence that has been permitted after October 1, 2005 and subsequently approved and conforms to the requirements of this code be repaired even if more than 25 percent of the roof was damaged?

**Answer:** The answer to the Petitioner's question is no. As per section 706.1.1 of the 7<sup>th</sup> Edition (2020) Florida Building Code, Existing Building and since more than 25 percent of the roof in question was damaged, the entire roof for the **project** in question must be replaced.