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**To:** Cindy Walden  
**Subject:** RE: Comments Relating to Revisions to OIR-B1-1802

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**From:** Travis Miller [mailto:tmiller@radeylaw.com]  
**Sent:** Friday, July 08, 2011 6:25 PM  
**To:** Cindy Walden  
**Subject:** Comments Relating to Revisions to OIR-B1-1802

Thank you for the opportunity to submit comments following the recent workshop on proposed revisions to the OIR-B1-1802. After discussing the proposed revisions with several residential property insurers, I would like to offer the following comments for the Office of Insurance Regulation's consideration.

1. Question #1-- We suggest that the inquiry pertaining to the year of construction include a section designating the final classification. As the 1802 form has evolved, there are growing concerns with reconciling its data fields to the mitigation discount tables, which have remained constant. Including a final classification section such as the following will help maintain the connection between the 1802 form and the applicable discounts:

C. Final classification:

- C.1. FBC/SFBC                       C.2. Non-FBC/SFBC                       C.3. Unknown or undetermined

We also recommend revising the potential sources item B of Question #1. First, item B.2. should be stricken. Inspectors should not rely on information provided by an insurer to assert the year of construction-- the purpose of the inspection is to generate independent, verifiable information about the homes, and there's no assurance that a prior insurance company would have accurately captured the year built. Item B.2. instead should have a category for something like "Property Records." Also, for item B.3., we recommend including a parenthetical such as "(provide documentation)" to identify the basis on which the year built is being asserted.

2. Question #2-- At item 5.A., we recommend including a section for the source of the information (similar to the way the source is required in Question #1). In addition, we suggest including a "final classification" section for the same reason outlined above.

D. Final classification:

- D.1. At a minimum meets the 2001 Florida Building Code or the 1994 South Florida Building Code and has a Miami-Dade NOA or FBC 2001 Product Approval listing demonstrating compliance with ASTM D 3161 (enhanced for 110MPH) OR ASTM D 7158 (F, G or H), OR FBC TAS 100-95 and TAS 107-95.
- D.2. For tile roofs only, any roof that meets the 2001 Florida Building Code or the 1994 South Florida Building Code and has a Miami-Dade NOA or FBC 2001 Product Approval listing that was current at the time of installation, but does not meet the specific testing requirements listed in Option D.1 above.
- D.3. Does not meet the above minimum requirements listed in Option D.1 or D.2 above.
- D.4. Unknown or undetermined.

3. Question #3-- On question #3 of the ARA form (Roof Deck Attachment), we believe the existing 1802 provision should be retained with minor adjustment, and would not recommend adopting the more complex inquiries of the ARA form. A proposed Question #3 would be:

**Roof Deck Attachment:** What is the **weakest** form of roof deck attachment?

- A. Plywood/Oriented strand board (OSB) roof sheathing attached to the roof truss/rafter (spaced a maximum of 24" o.c.) by staples or 6d nails spaced at 6" along the edge and 12" in the field. **-OR-** Batten decking supporting wood shakes or wood shingles. **-OR-** Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that has an equivalent mean uplift resistance of 55 psf.
- B. Plywood/OSB roof sheathing with a minimum thickness of 7/16" attached to the roof truss/rafter (spaced a maximum of 24" o.c.) by 8d common nails (10d if plywood is placed over batten decking) spaced 6" along the edge and 12" in the field. **-OR-** Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that has an equivalent mean uplift resistance of 103 psf.
- C. Plywood/OSB roof sheathing with a minimum thickness of 7/16" attached to the roof truss/rafter (spaced a maximum of 24" o.c.) by 8d common nails (10d if plywood is placed over batten decking) spaced 6" along the edge and 6" in the field. **-OR-** Dimensional lumber/Tongue & Groove decking with a minimum of 2 nails per board. **-OR-** Any system of screws, nails, adhesives, other deck fastening system or truss/rafter spacing that has an equivalent mean uplift resistance of 182 psf.
- D. Reinforced Concrete Roof Deck.
- E. Other: \_\_\_\_\_
- F. Unknown or unidentified.
- G. No attic access.

4. Question #4-- For the Roof to Wall Attachment, we believe the language in the proposal is appropriate, except that we would add 3-nail minimum for clips to conform the 1802 form with the 2002/2008 studies regarding what constitutes a clip. The statement regarding clips then would read as follows:

B. Clips                      Metal attachments on every rafter/truss that are nailed to one side (or both sides in the case of a diamond type clip) of the rafter/truss with a minimum of 3 nails and attached to the top plate of the wall frame or embedded in the bond beam.

5. Question #5-- We agree with comments that have been submitted regarding ambiguities in what constitutes a "major wall" and believe this can be alleviated by using the "10% non-hip" standard. Other changes such as the removal of the flat roof calculations that do not have an impact on the determination of discounts are appropriate.

6. Question #6-- Insurers often find that SWR is alleged to exist, but inspectors cannot photograph the SWR because it is not visible. The 1802 form should clarify in this section that if SWR cannot be photographed and it is nonetheless said to exist, the inspector must provide documentation of its existence. We recommend a statement such as the following:

Note: If SWR exists and is not visible and accessible for photographing, provide support and documentation for SWR:\_\_\_\_\_.

7. Question #7-- The table format for Opening Protection is a viable, although complex, method for determining the weakest form of protection. To add clarity for consumers, inspectors and insurers, we recommend adding a statement such as, "The opening protection of the structure will be determined by the lowest check mark present on the table below."

8. Deleted Items-- We agree with the deletion of the gable end bracing inquiry because it does not have any bearing on the discounts. However, we recommend that the form retain the existing area for Wall Construction percentages. This section provides useful information that some insurers use in their underwriting process.

9. Note Regarding Additional Information-- Some drafts of the revised 1802 contain the following note at the end of the document:

**Note: for underwriting purposes, your insurer may ask additional questions regarding your mitigated feature/s.**

We believe this note will be helpful in preparing policyholder for the possibility there may be follow up questions about the information presented in their forms.

10.Duration of Forms-- We recommend that the phrase “up to” should not be deleted from the statement about the form being valid for five years. Based on insurers’ experience with policyholders’ understandings of the verification process, this type of statement will create confusion and anger policyholders in situations such as reinspections or implementing future 1802 revisions for new business. The form should continue to specify it is valid for “up to” five years.

Thank you for considering these items. If you have any questions, we would be happy to further discuss the 1802 form and the proposed revisions.

Thanks.

**Travis Miller**

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