

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on March 13, 2003 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Ken Wilke, Revisor of Statues
Dennis Hodges, Legislative Research
Mike Heim, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Representative Mario Goico
Jerry Wells, Director of Government Affairs, Kansas
Insurance Department
Gene Hunter, Leawood Fire Marshal
Linda Schlachter, citizen of Leawood
Jeff Hudson, Fire Chief for City of Shawnee, Kansas
Marvin Rainey, Attorney from Shawnee, Kansas
Mike Vaille, District Manager, Cedar Shake & Shingle
Bureau
Ruben Hinojosa, citizen of Johnson County, Kansas

Others attending: See attached list.

Hearing on HB 2003 - Rural water supply districts; acquisition of system by adjoining municipality resumed.

Chairperson Allen opened the meeting directing members attention to the hearing on **HB 2003**, which was started during the Tuesday, March 11, 2003 meeting.

Chairperson Allen announced that up to 15 minutes would be devoted to questions and answers on **HB 2003**, since time did not allow this during the prior meeting. Senator Jackson opened the questioning. Don Ranking, Water Superintendent for City of Topeka, responded to questions, providing the members with information on the impacts of this bill. After questions subsided, Chairperson Allen asked for any additional inquiry. After no response, Chairperson Allen closed the hearing on **HB 2003**.

Hearing on HB 2023 - Restrictive covenants, wood shingles on roof

Chairperson Allen opened the hearing for **HB 2023**, instructing conferees that each side would be given 1.5 minutes for testimony; dividing that time by the number of conferees on each side. Chairperson Allen recognized Representative Mario Goico. Rep. Goico testified, supporting **HB 2023** (Attachment 1), explaining his own personal experience with wood shingles and fire.

Jerry Wells, Director of Governmental Affairs at the Kansas Insurance Department, provided testimony in favor of **HB 2023** (Attachment 2) in order to lessen homeowner insurance claims and for homeowner safety issues. Gene Hunter, Leawood Fire Marshal, testified on the dangers of wood roofs, urging passage of **HB 2023** (Attachment 3) and also stressing some recommendations for changes in the bill to close potential loop holes. Linda Schlachter, a citizen and homeowner in Lenexa, Kansas, testified to promote the passage of **HB 2023** (Attachment 4), with changes to include providing for an alternative of similar cost to wood.

Jeff Hudson, Fire Chief from Shawnee, Kansas appeared on behalf of the Kansas State Association of Fire Chiefs and the Johnson County Fire Chiefs Association to support of **HB 2023** (Attachment 5). Chairperson Allen announced the distribution of written testimony from: Karl McNorton, Chief Deputy State Fire Marshal (Attachment 6); Jeffery Bottenberg, Legislative Counsel for State Farm Insurance

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT at on March 13, 2003 in Room 245-N of the Capitol.

Companies (Attachment 7); and Jim Keating, President of Kansas State Firefighters Association (Attachment 8).

Chairperson Allen asked for anyone else who wished to speak in favor of **HB 2023** and Marvin Rainey, an attorney from Shawnee, Kansas, came forward and testified in favor of **HB 2023** (Attachment 9).

Chairperson Allen opened the floor for a couple questions and Representative Goico also distributed a balloon for **HB 2023** (Attachment 10) which would help with some of the concerns being mentioned. Chairperson Allen instructed the committee to hold questions at this point and once the opponents were done testifying there would be time for additional questions of both sides.

Mike Vailee, District Manager for the Cedar Shake and Shingle Bureau testified to clarify the facts on the various wood roofing materials and against **HB 2023** (Attachment 11), also asking that if there are safety concerns then the bill should be amended to specify the need for fire retardant wood to be required. Ruben Hinojosa, resident of Johnson County presented testimony in opposition of **HB 2023** (Attachment 12).

There being no others to testify on **HB 2023**, the Chair closed the hearing.

Adjournment

The meeting was adjourned at 2:30 p.m. The next meeting is scheduled for Monday, March 17, 2003



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KANSAS SECURITY

TESTIMONY ON HOUSE BILL 2023
PRESENTED TO
ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

Madam Chair Barbara Allen and members of the committee.

Present Situation

I observed my house burning at 3:30 a.m. on November 11. As the fire department was pouring water on the wood shake shingles, the fire continued to expand. When time came to rebuild I found out that we had restrictive covenants that demanded that the new roof also be wood shake shingles.

Background

In the 1970's and 1980's, the cedar shakes were plentiful and relative cheap. As a result many developments established covenants that required wood shingles as roofing materials. Today the availability of cedar has decreased to the point where wood quality is younger, wider grained, and without its traditional strength and rot-resistance. This has resulted in shorter life expectancy as a roofing material. This younger cedar does not contain as much natural oil and density of wood, and as a result they tend to curl up and crack diagonally which makes them subject to being ripped off by our Kansas wind. The wood cedar shake roof depreciates rapidly. This has lead to the development of modern alternatives to wood shake shingles, which are identical in appearance.

New Technology Material

At the present time there are numerous composite material alternatives that look exactly the same. They are lighter, cheaper, do no burn as easily, and last longer.

The advantages of these modern “shake-look” shingles are:

Keep architecture and appearance virtually the same
Weathered or new cedar shingle appearance.
Know that the market value and neighborhood design remain the same
Inexpensive and great value

Senate Elec + Loc Gov
03-13-03
Attachment 1

Saving thousands from a cedar shake roof system
One of the easiest roofing products to install
Warranty coverage from 25 to 40 years
Some styles come with 15 year Algae Resistance warranty
Fiberglass reinforced shingle for stable curling-resistance platform for shingle
Class A fire rated
Wind and Storm Rated Warranties up to 100 MPH

Explanation of the Bill

Covenants were established by the developers to ensure that throughout the subdivision that property values are preserved and that homes are aesthetically pleasing. My homeowners association "Briarwood Lakes" has been trying to change our covenants for almost a year, but it requires that 75% of the homeowners to be present. In many other developments the percentage of homeowners is as high as 100%. These requirements make a change impossible. Further one of the major reasons why my homeowners association wants to change the covenants is that many insurance companies are no longer covering cedar wood shake shingles. Those that do have a large depreciated value or have a surcharge.

This bill does not change the covenants. It merely adds the option for the homeowner associations to offer the choice of this new technology material for roof consistent with the appearance requirements of the neighborhood. Further, it allows the homeowner to replace existing wood shingles with a superior product that will enhance property values.

This bill allows for the utilization of the new technology available today, technology that was not available at the time that the covenants were established. Covenants for new developments have these choices. Covenants in older developments are dated, and prevent homeowners from enhancing the value of their property.

The choice is still up to the individual and it lowers insurance rates.

This bill addresses the legitimate governmental objective of protecting the lives and property of citizens.



Kansas Insurance Department

Sandy Praeger COMMISSIONER OF INSURANCE

TESTIMONY
ON
HB 2023

SENATE ELECTIONS AND LOCAL GOVERNMENT
March 13, 2003

Madam Chair and members of the Committee:

My name is Jerry Wells, Director of Governmental Affairs at the Kansas Insurance Department. Thank you for this opportunity to testify in support of HB 2023.

The Kansas Insurance Department believes this bill would be beneficial, not only as a safety factor to the homeowner in allowing the use of an alternative roofing material, but would be in the best interest of the policyholder as it relates to a reduction in claims. It was pointed out by the Kansas State Association of Fire Chiefs during the hearing in the House Insurance Committee that there is a significant risk to life and property damage from a fire involving wood roof material than there is from less combustible alternative roofing. I would also like to emphasize the fact that this bill would make it an option for the homeowner to use an alternative roofing material in a restrictive covenant that requires the use of wood shingles or shake shingles.

Thank you, and I'd be happy to respond to any questions.

Jerry Wells

Senate Elec & Loc Gov
03-13-03
Attachment 2

House Bill 2032

Testimony of Gene Hunter

Leawood Fire Marshal

Background:

House Bill 2032, restricts the ability of neighborhood home's associations to coerce homeowners to purchase and install highly combustible wood shingles on their homes.

Chief Hunter's Background

Firefighter since 1986

Fire Marshal since 1991

Bachelor's Degree University of Kansas

Associates in Fire Science, Johnson County Community College

Certified Fire Investigator

Executive Fire Officer, National Fire Academy

Note: I have observed, studied, forensically investigated and analyzed dozens of wood shingle fires. Leawood is an affluent suburban community which once required the use of wood shake shingles but has abandoned this requirement in recognition of the unsafe nature of the product.

Why Wood Shingles Burn Like Wildfire

1. They are highly combustible, more so than other wooden house components.
 - A. The manner of their application produces a *kindling effect* whereby these small, very dry pieces of lightweight wood are nailed to slightly larger pieces of wood called nailers which are then nailed to wooden rafters. This creates the exact effect of a well-built campfire in which readily ignitable kindling is used to ignite larger pieces of wood.
2. Their location on the roof of the house makes them accessible to lightening strikes, fireworks and flying embers from other wood shingled houses.
 - A. Lightening can strike any roof. It is only wood shingles that ignite when they are struck due to their highly combustible nature. I have often seen a wood shingled roof burning wildly in torrential rains. This is because the underside continues to burn while the topside continues shed rainwater. (Continued)

Senate Elec & Loc Gov
03-13-03
Attachment 3

- B. Because the shingles are laid one over another with openings at the ends, it is easy for fireworks to become lodged between shingles providing the insulation and reflective surfaces which nurture a smoldering fire into a catastrophic blaze.
 - C. When one roof burns it gives off flying embers and brands which winds carry great distances to other wood roofs, alighting them. Whole city blocks of houses have been lost to such occurrences throughout history and in recent times. I have myself seen multiple houses catch on fire from this effect.
3. Even in fires that start elsewhere than on the roof, the presence of wood-shingled roof will reliably increase the total fire loss from a small percentage of the house to the entire structure.
- A. Anyone who has ever seen fire spread across a wood shingled roof faster than fire hoses can extinguish it knows that the presence of wood roof usually doubles or triples the loss of any significant house fire.

Wood shingles are to fire safety what cigarettes are to good health.

The Argument For Wood Shingles

1. Shake Shingle Proponents will predictably seek out five or six thoroughly debunked arguments.
 - A. Wood shingles do not cause fires. This is true in exactly the same sense that fuses do cause bombs to explode—the match that lights the fuse causes the bomb to explode.
 - B. Another assertion is that there is no statistical evidence that wood shingled houses burn more often than non-wood shingled houses. This is simply false. If this correlation exists it is because wood shingled houses generally belong to demographic subgroups (affluent) which have fewer fires in the first place.

(continued)

A second factor explaining this dubious assertion is that statistics are not recorded in such a way as to reveal the overwhelming contribution of the wood shingles to a fire that started elsewhere in the house.

- C. Some will assert that because a wood roof burns away quickly, it provides a safer atmosphere inside the house by venting away toxic smoke. This has been proven false many times, due to the fact that in an interior fire—where deaths occur—toxic smoke levels are reached long before the fire burns through drywall ceilings and into the wood shingles.
- D. Manufacturers offer a “new” product, which is a pressure treated fire retardant wood shingle. This product, while truly fire resistive *when new*, loses its fire resistive qualities long before it becomes necessary to replace it for normal wear and damage.
- E. They will imply that home values will decline in neighborhoods where alternative shingles are installed. I have participated in civil trials in Johnson County where this assertion has been flatly debunked by appraisers and realtors.

The Loophole in House Bill 2302

1. The language of 2032 currently allows the homes association to maintain roofing requirements so long as they offer an alternative to wood shingles.
2. The alternative which is routinely stipulated by the homes associations is far more costly than the wood shingles (usually tile or slate) and thus they eliminate the safer alternatives by the use of economic coercion.

(Continued)

3. The current legislation, to achieve its goals, must stipulate that a homes association covenants, to be valid, must offer an alternative material which is **substantially cost equivalent** to the installation of wood shingles.

Conclusion

The Fire Service does not wish to tell homeowners what kind of roofing materials they can use. Nor do we believe there home's association ought to have this ability. As a controversy, this is hardly new and should be a matter of settled consensus by now. Regulations banning wood shingles have been passed for many hundreds of years in the great cities of the world **after** they have burned down. Rome, London, Chicago and New Orleans have all burned to the ground and came to the wisdom that wooden and thatched roofs belong only in rural areas. Despite this, I have personally been responding to the "same" wood shingle fire for sixteen years. And each time I observe astounded homeowners watch their dreams go up in flames. These are fires that need never have occurred. Let us act proactively now and extinguish this threat before that conflagration, which we all know is pending, occurs.

Thank you for allowing me to testify on this important matter.

Gene Hunter, Leawood Fire Marshal
14801 Mission Road
Leawood, KS 66224
(913)681-6788 X 13

My name is Linda Schlachter. I live at 4600 W. 125 St. in the Berkshire subdivision in Leawood, Kansas.

I am here today to enthusiastically support Bill 2023, which would eliminate any Homes Association restricted covenant to utilize only wood shingle roofs; however, I would like the committee to consider a change in the statute's language to broaden the protection to homeowners, such as me. I am here representing those homeowners who would like to use the newer, space age materials that are now on the market but are not even mentioned by homeowner covenants written in the 70's and 80's.

Like many other subdivisions, our homeowner's covenants permit slate in lieu of wood shingles, but the cost of slate is prohibitive. The truth is that covenants that limit the alternatives to slate or tile, which would be permissible under the proposed statute, do not allow homeowner's any real choice. I know, because I would like to replace my roof with a safer alternative, but the cost of slate is too high, because I will need to change the structure of my house to carry the weight of slate. So, if the current proposed statute is adopted, I will still have to use wood, even though there are many safer alternatives.

Under the statute, as currently drafted, many homeowners will be prohibited by the language of their particular covenants from using the newer materials developed over the last ten years, such as timberline composite roofs and Gerard steel roofs, both of which are gaining popularity because of their durability and safety.

A fair compromise is to leave the decision of acceptable materials to the city, county and other government entities that have the resources and the interest to evaluate roofing materials for safety and regulatory compliance. So instead of leaving the decision to a developer or lawyer who drafted a subdivision's covenants in a vacuum, I urge the committee to amend the proposed statute to require subdivisions to accept any roofing material approved by the appropriate government body. In my case, this would be the city of Leawood.

Of course the subdivisions still should have the right to reject a roof that is totally not similar to the roofs on the other houses in the subdivision, but their right should be limited to reasonable approval of the color and appearance as opposed to the materials. An orange roof may not be appropriate; but a timberline roof that is colored the same as wood ought to be acceptable, even if it is made out of non-flammable material.

Thank you for allowing me this chance to appear before you. I am in favor the bill, but wish to make bill effective for the many homeowners saddled with old restrictive covenants. After all, everyone deserves to live in a safe house. The times have changed. After all how many of us are driving 1980's cars without air bags.

Senate Elec + Loc Gov
03-13-03
Attachment 4

Bill 2023
Testimony of Jeff Hudson
Kansas State Association of Fire Chiefs
And
Johnson County Fire Chiefs Association

The Kansas State Association of Fire Chiefs (KSAFC) and the Johnson County Fire Chief's Association (JCFCA) appears today in support of Bill 2023 related to making restrictive covenants that require the use of wood shake or similar material in the roof of any building unenforceable.

My name is Jeff Hudson, and I am the Fire Chief in the City of Shawnee Kansas. Let me begin by expressing my thanks for the opportunity to appear before you today in support of House Bill 2023. I am both honored and humbled to be asked to provide this testimony to you today on behalf of my peers, the Kansas State Association of Fire Chief's (KSAFC), and the Johnson County Fire Chief's Association (JCFCA).

The Fire Service throughout the State of Kansas is very interested in, and believes in, this very important piece of legislation for obvious reasons. It has long been a known fact by the Kansas Fire Service, that there is a significantly increased risk to life safety and property damage from a fire involving wood roof coverings, such as wood shakes and wood shingles, than there is from less combustible alternative roof covering materials.

This is in no way to say that we believe that wood roof coverings are responsible for fires starting, or that we believe that they are ticking time bombs waiting to go off. The simple fact is that they are wood and wood burns.

Senate Elec + Loc Gov
03-13-03
Attachment 5

I was discussing this issue the other day with a representative of a wood roof covering association here in Kansas, and I was asked if I could support my opinion on this issue with either a written study, or some other type of data. My response, when asked that question, was this. I am certain that somewhere out there that that data exists, or those studies have been authored, however, my position on this issue comes from neither any collected data, or from a formally prepared study. My steadfast position on this issue is a result of my twenty-seven years in the fire service, responding to and fighting roof fires in the community where I live and work. My position on this issue is not unlike that of other Fire Service Professionals throughout the State of Kansas, of whom I represent today.

The Fire Chiefs from throughout the State of Kansas are not before you today, to give testimony to you, or to leave you with the impression, that we feel that wood roof products should be not be allowed. Instead, we support House Bill 2023 because, if passed, it would give the residents in our State, the people whom we protect, a choice about their own safety, the safety of their families, and the safety of the property in which they have so much invested.

The members of the KSAFC and the JCFCA believe in, and support, House Bill 2023. We truly believe that if passed, the residents and homeowners in the state of Kansas would safely benefit from the choice provided to them by this legislation.

Jeffery L. Hudson

Kansas State Association of Fire Chiefs

Johnson County Fire Chief's Association



OFFICE OF THE

KANSAS STATE FIRE MARSHAL

Gale Haag
Fire Marshal

700 SW JACKSON ST, SUITE 600, TOPEKA, KS 66603-3714
PHONE (785) 296-3401 / FAX (785) 296-0151

Kathleen Sebelius
Governor

**Testimony on House Bill 2023
Restrictive Covenants of wood roof shingles
Senate Committee on Elections and Local Government**

Date: March 12, 2003

By: Karl W McNorton
Chief Deputy State Fire Marshal
Kansas State Fire Marshal's Office

The Kansas State Fire Marshal's Office is providing written support of House Bill 2023. I apologize for my inability to appear in person due to a previous commitment to teach a class at the Shawnee County Area Fire School. The Kansas State Fire Marshal's Office stands in support of the proposed bill. We are asking however that the committee strike the reference to the Kansas fire marshal pursuant to article 1 of chapter 31 of the Kansas Statutes Annotated. As this bill is primarily directed to issues of construction methods and materials of one or two family dwellings our agency is specifically prohibited from enforcing any provisions of the Kansas Fire Prevention Code on them. This is addressed in K.S.A. 31-133 (3) & (11).

We understand an amendment will be submitted by Mike Vaille of the Cedar Shake and Shingle Bureau to include the product meeting the fire resistive requirements of the International Building Code. We would support an amendment in this fashion.

We are including information on incidents related to wood roof shingle fires. The past seven years (1995 through 2002) and accounted for 162 incidents where the roof with a wood covering was the area of fire origin. This is 7% of the total residential structure fires (22,955) during this period. These fires accounted for nearly 5 million dollars in property loss, 13 firefighter injuries and 1 civilian injury. No deaths were reported.

The ignition sources for fires of this type vary from exposure to other fires to faulty installation of decorative lighting. This type of roof covering is susceptible to fire due to the nature of the material it is composed of and is subject to degradation by Kansas extreme weather conditions. There are fire retardant chemicals that can be applied to the roof covering to reduce the incidence of ignition to these materials however these chemicals generally have to be applied during ideal conditions and almost always reapplied on an annual basis to maintain its resistance to fire.

Thank you for your time and attention.

"Where fire safety is a way of life."

*Senate Elec & Loc Gov
03-13-03
Attachment 6*

Summary of Residential Wood Shingled Roof Fires in Kansas 1995-2002

Residential Roof Fires Summary

<u>Year</u>	<u>#Fires</u>	<u>FFInj</u>	<u>CivInj</u>	<u>FFDeath</u>	<u>CivDeath</u>	<u>\$Loss</u>
1995	21	3	0	0	0	\$ 781,800
1996	21	0	0	0	0	\$ 216,869
1997	20	1	1	0	0	\$ 201,500
1998	18	8	0	0	0	\$ 795,750
1999	29	0	0	0	0	\$ 684,500
2000	15	1	0	0	0	\$1,019,500
2001	18	0	0	0	0	\$ 499,000
2002	20	0	0	0	0	\$ 744,780
Totals	162	13	1	0	0	\$4,943,699

Total Residential Fires Summary

<u>Year</u>	<u>#Fire</u>	<u>FFInj</u>	<u>CivInj</u>	<u>FFDeath</u>	<u>CivDeath</u>	<u>\$Loss</u>
1995	3,194	113	137	1	33	\$ 34,096,788
1996	3,478	136	135	0	32	\$ 43,468,155
1997	3,022	95	118	0	19	\$ 37,088,467
1998	2,610	109	114	0	29	\$ 25,944,394
1999	2,550	72	130	0	17	\$ 29,004,332
2000	3,046	79	116	0	35	\$ 35,809,193
2001	2,870	90	116	0	27	\$ 40,735,130
2002	2,185	44	81	0	21	\$ 30,537,374
Totals	22,955	738	947	1	213	\$276,683,833

Source: 1995 – 2002 Kansas Fire Incident Reporting System

Roof fire totals based on Area of Fire Origin equals roof surface or roof area, type material ignited equals wood, and form of material ignited equals roof surface

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31-133

Chapter 31.--FIRE PROTECTION Article 1.--FIRE SAFETY AND PREVENTION

31-133. Fire marshal; power and duties; rules and regulations. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. Such rules and regulations shall include, but not be limited to the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers; and any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least one fire drill each month at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drill is to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health care providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and

amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, which procedures shall provide for at least three tornado drills to be conducted each year at some time during school hours, aside from the regular dismissal at the close of the day's session, shall describe the manner in which such tornado drills are to be conducted, and shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the disaster agency of the county;

(10) the development and implementation of a statewide system of hazardous materials assessment and response; and

(11) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

History: L. 1972, ch. 157, § 2; L. 1974, ch. 172, § 1; L. 1975, ch. 219, § 1; L. 1975, ch. 220, § 1; L. 1976, ch. 200, § 1; L. 1982, ch. 168, § 1; L. 1985, ch. 128, § 1; L. 1988, ch. 127, § 1; L. 1999, ch. 65, § 1; July 1.

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Memorandum

TO: THE HONORABLE BARBARA ALLEN, CHAIR
SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

FROM: JEFFERY S. BOTTENBERG, LEGISLATIVE COUNSEL
THE STATE FARM INSURANCE COMPANIES

RE: HB 2023

DATE: MARCH 13, 2003

Madam Chair, Members of the Committee: My name is Jeff Bottenberg and I represent State Farm Insurance Companies ("State Farm"). We appreciate the opportunity to submit testimony in support of HB 2023, which prohibits the use of restrictive covenants that require the exclusive use of wood shake or similar material for roofs. State Farm is the largest insurer of homes in the United States and Kansas, insuring one out of every four homes in the U.S.

State Farm supports legislation that reduces the use of wood shingles and shakes. In these days of rising claim costs, an effective way to reduce the risk of loss from fire and hail is to replace wood shingle roofs with roofs made of more sturdy materials. Unfortunately some of our policyholders are unable to use this effective loss prevention and reduction item due to restrictive covenants

The use of wood shingle and wood shake roofs continue to produce higher loss claims than all other roofing products combined (asphalt, fiberglass, tile, slate, composites and metals).

One AmVestors Place
555 Kansas Avenue, Suite 301
Topeka, KS 66603
Telephone: (785) 233-1446
Fax: (785) 233-1939

Senate Elec & Loc Gov
03-13-03
Attachment #7

Due to such high loss claims, State Farm offers homeowner policy discounts for the use of certain roof products. The discount is based in part by a roof's impact resistance as measured by Underwriters' Laboratory UL2218 test, which measures a roofing product's ability to withstand hail damage. The ratings range from Class 1 to Class 4 (greatest impact resistance).

Roofing material is also rated on its fire resistance, and such ratings range from Class A (effective against severer fire exposure) to Class C (least effective). Many wood shingles and shakes have a Class C rating or no rating at all, while most fiberglass shingles have a Class A rating.. For more detailed information on roof types and ratings, please visit the State Farm website at www.statefarm.com/consumer/roof.htm.

Replacing wood shingles with a more sturdy and fire resistant material is an effective mechanism to reduce the risk of loss from fire and hail. HB 2023 allows homeowners to use a proven mitigation loss tool while retaining the flavor of the neighborhood. For the above reasons, State Farm strongly supports HB 2023. Please do not hesitate to contact me if you have any questions regarding this or any other matter.

Respectfully Submitted,



Jeff Bottenberg

JSB
Enclosures



Like a good neighbor, State Farm is there.®

WELCOME

MY ACCOUNT

INSURANCE

BANKING

MUTUAL FUNDS

PLANNING & LEARNING

AGENTS

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What are the Options?

There are a number of things to consider when selecting a new roof system. Of course, cost and durability head the list, but aesthetics and architectural style are important, too. The right roof system is the one that balances these four considerations.

Asphalt shingles -- which possess an overwhelming share of the U.S. residential roofing market -- can be reinforced with either organic or fiberglass materials. Although shingles reinforced with organic felts have been around much longer, fiberglass-reinforced products now dominate the market.

Organic shingles consist of a cellulose-fiber (i.e., wood) base that is saturated with asphalt and coated with colored mineral granules. To fight fungus growth in warm, wet climates, they are available with special algicide granules.

Fiberglass shingles consist of a fiberglass mat, top-and-bottom layers of asphalt, and mineral granules. Typically, a fiberglass mat offers greater durability, but its manufacture is important.

The fire resistance of asphalt shingles, like most other roofing materials, is categorized by Underwriters Laboratories Inc. (UL) Class A, B, or C. Class A is the most fire-resistant, while Classes B and C have less fire resistance. Generally, most fiberglass shingles have Class A fire ratings, and most organic shingles have Class C ratings. UL Class A fire ratings are available for certain products that incorporate a factory-applied, fire-resistant treatment.

A shingle's reinforcement will have little effect on its appearance. Both organic and fiberglass products are available in laminated (architectural) grades that offer a textured appearance. Zinc or copper-coated ceramic granules also can be applied to either organic or fiberglass products to protect against algae attack, a common problem in hot, humid climates. Both types of shingles also are available in a variety of colors.

Wood shingles and shakes are made from cedar, redwood, southern pine, and other woods. Shingles are machine-sawn; shakes are hand-hewn and rougher looking. Their natural look is popular in California, the Northwest, and parts of the Midwest. A point to consider: Some local building codes limit their use because of concerns about fire resistance. Many wood shingles and shakes only have a UL Class C fire rating (or no rating at all).

Tile -- clay or concrete -- is a durable but fairly expensive roofing material. "Mission-style" and "Spanish" round-topped tiles are used widely in the Southwest and Florida, and flat styles also are available to create French and English looks. Tile is available in a variety of colors and finishes. **Note:** Tile is heavy. If you are replacing another type of roof system with tile, you will need to verify that the structure will support the load.

Slate is quarried in places such as Vermont, New York, Pennsylvania, Virginia, and Canada. It comes in different colors and grades, depending on its origin. Considered virtually indestructible, it is, however, more expensive than other roofing materials. In addition, its application requires skill and experience. Many old homes in the Northeast are still protected by this long-lasting roofing material.

Metal, primarily thought of as a commercial roofing material, has been found to be an attractive roofing alternative for homeowners. There are a variety of metal shingles intended to simulate traditional roof coverings, such as wood shakes, shingles, and tile. Apart from metal roofing's



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Wood shakes or shingles

Most wood shakes and wood shingles are made from the western red cedar tree. There are basically three different types of products: hand-split shakes, taper-sawn shakes and wood shingles.

Each product is graded according to the cut and number of defects. Wood shingles are thinner than shakes (3/8 inch) and come in Grades 1, 2 and 3.

Hand-split shakes have two grades: Premium (all edge grain) and Grade 1 (up to 20 percent of the shakes can be flat grain, which is more susceptible to curling).

Taper-sawn shakes are as thick as hand-split shakes and are sawn smooth on both sides. They come in three grades: Premium and Grades 1 and 2.

Wood roofs may be cleaned periodically to remove tree debris, moss or fungus. If professionals use a high-pressure washer, care must be taken so the roof is not damaged. Shingles may also be treated with wood preservatives to limit weathering effects of moisture and retard growth of molds, moss and fungi. They may also be treated with a fire retardant to reduce the chance of ignition or fire spread. Treatments should be reapplied periodically to remain effective.

Typical hail warranty: None
Typical material defects warranty: 0 to 30 years
UL fire rating: See note
Average dry weight per square: 160 to 320 lbs.
Average wet weight per square: 320 to 560 lbs.

Note: Although some pressured-treated cedar shakes and shingles may attain a UL fire rating, untreated wood shakes and shingles typically have no fire rating.



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Modified asphalt composition shingles

Modified asphalt composition shingles use the synthetic rubber modifier Styrene-Butadiene-Styrene (SBS) or Atactic Polypropylene (APP). The SBS or APP is blended into the asphalt to enhance the flexibility, durability, crack resistance, impact resistance, and resistance to ultraviolet light.

Modified asphalt composition shingle products are available in standard three-tab style or architectural laminated style for a more textured or dimensional appearance.

These modified products may be more expensive than standard asphalt composition shingle products, but the benefits of increased impact resistance and durability could offset the initial cost over the life of the roof. Several modified asphalt composition shingle products currently listed by UL or other certified laboratories receive a Class 4 impact-resistance rating.

- Typical wind warranty: Varies
- Typical hail warranty: None
- Typical material defects warranty: 30 years to "Lifetime" (laminated)
- UL fire ratings: A
- Average weight per square: 230 to 280 lbs.



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Metal roofs

There is a variety of metal roofing products; many are intended to simulate shingles, shakes, slate and tile. Some of the materials used are galvanized steel, stainless steel, galvalume, aluminized steel, aluminum, copper, terne metal and zinc. They are produced as individual pieces or in panels. Material thickness and coatings vary greatly. A variety of finish types and colors are also available.

Typical hail warranty: Varies
Typical material defects warranty: Varies
UL fire ratings: A, B or C
Average weight per square: 40 to 250 lbs.



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Kansas Fire Service Alliance

☪ Kansas State Fire Fighters Association

☪ Kansas State Association of Fire Chiefs

☪ Kansas Professional Fire Chiefs Association

TESTIMONY

Reference House Bill 2023

Presented to

SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT

Presented by

JIM KEATING, PRESIDENT
KANSAS STATE FIREFIGHTERS ASSOCIATION

Representing
THE KANSAS FIRE SERVICE ALLIANCE

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I provide this testimony on behalf of the Kansas State FireFighters Association, Kansas State Association of Fire Chiefs, and the Kansas State Association of Professional Fire Chiefs, which constitutes the membership of the Kansas Fire Service Alliance. The Alliance jointly represents over 650 Kansas fire departments.

The Kansas Fire Service Alliance strongly supports House Bill 2023. We understand that developers specify the uniform appearance given by the use of wood / shake shingles often in quality housing projects, however, many products exist today that will give a similar appearance and at the same time provide a fire safe roof through its life.

While wood / shake shingles are normally treated with a fire retardant material, the material will break down over time due to sun and weather conditions, thus leaving a very dry, brittle condition which can easily catch fire from a simple spark from a fire place flue, or a variety of other causes.

Covenants such as noted in this bill are often found in housing projects with close density construction, thus if one roof catches on fire, dependent on the weather conditions, adjoining roofs can easily become involved, creating a difficult extinguishing effort for a fire department. A homeowner should have a choice to specify a product that is safe and will remain safe for its life, no matter where the home is built.

Again, the Kansas Fire Service Alliance stands in strong support of this bill as it is a matter of life safety. We thank you for time in consideration of this bill.

A SUMMARY OF
FIRE RETARDANT ROOFING TESTS AND
RATED-ROOF ASSEMBLY REQUIREMENTS

COMMITTEE FOR FIRESAFE ROOFING
1667 SPRINGER ROAD; MOUNTAIN VIEW, CA 94040
(800) 962-4540

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UNIFORM BUILDING CODE STANDARD NO. 32-7
TEST STANDARD FOR DETERMINING THE FIRE RETARDANCY OF
ROOF COVERING MATERIALS

Based on Standard Specification 790 December 15, 1978,
of the Underwriters Laboratories Inc.
See Sections 1712 (b) 5, 3202, 5207 (a) 2 and Table No 32-A,
Uniform Building Code

General

Sec. 32.701. (a) Scope. The tests described in this standard are applicable to roof covering materials and are intended to measure the fire-retardancy characteristics of roof coverings against fire originating from sources outside the building on which they are installed. They are applicable to roof coverings intended for installation on either combustible or noncombustible decks when applied in the intended manner.

Class A roof coverings are effective against severe fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a fairly high degree of fire protection to the roof deck, do not slip from position and pose no flying-brand hazard.

Class B roof coverings are effective against moderate fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a moderate degree of fire protection to the roof deck, do not slip from position and pose no flying-brand hazard.

Class C roof coverings are effective against light fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a measurable degree of fire protection to the roof deck, do not slip from position and pose no flying-brand hazard.

It is the intent that the classifications indicate performance during tests or the types of materials and periods of exposure involved, and should not be construed as having any significance with respect to the suitability for use after fire exposure.

Roof covering materials are required to comply also with the requirements for construction, material specifications and performance as applicable to specific types, designs, sizes and arrangements. All such additional requirements which apply are not considered to be within the scope of these requirements for fire tests.

Class A
Fire Retardant Roofing

Class A roof coverings are effective against severe fire test exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a high degree of fire protection to the roof deck, do not slip from position, and are not expected to produce flying brands.

Class B
Fire Retardant Roofing

Class B roof coverings are effective against moderate fire test exposures. Under such exposures, roof covering of this class are not readily flammable, afford a moderate degree of fire protection to the roof deck, do not slip from position and are not expected to produce flying brands.

Class C
Rated Roofing

Class C roof coverings are effective against light fire test exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a measurable degree of fire protection to the roof deck, do not slip from position and are not expected to produce flying brands.

Non-Rated Roofing

Non-Rated roof coverings provide no protection against fire exposure. Under such exposures, non-rated roof coverings are readily flammable. In the event of a fire on the roof, the fire will extend downward into the attic and threaten the entire building and it will also threaten surrounding exposures by producing flying brands that could ignite structures a considerable distance away.

- 1) The Interpretation Of Test Standards As Related To The Protection Provided By The Given Classes Of Roof Coverings And Assemblies:

Test #1 Intermittent Flame

Interpretation

Of Test: A material receiving a Class C rating must sustain a total of 3 minutes of flame contact without any of the notable observations occurring.

A material receiving a Class B rating must sustain a total of 16 minutes of flame contact without any of the notable observations occurring. The difference in time between a B and C Rating represents **an increase of 433% in the duration of the flame exposure over the Class C rating. In other words, a Class B rating provides almost 4 ½ times the protection from direct flame contact of a Class C.**

A material receiving a Class A rating must sustain a total of 30 minutes of flame contact without any notable observations occurring. The difference between an A and B rating represents **an increase of 88% in the duration of flame exposure over the Class B rating. In other words, a Class A rating provides over 7 times the protection from direct flame contact of a Class C.**

Test #2: Burning Brand Test

Interpretation

Of Test: A material receiving a Class C rating must be able to sustain flame exposure produced by 25 flaming brands with a total volume of 43.94 cubic inches of White Pine wood without any notable observations. Each brand would be placed on the test deck at 1-2 minute intervals. No brand will be placed closer than 4 inches to another brand.

A material receiving a Class B rating must be able to sustain flame exposure produced two flaming brands each measuring 162 cubic inches of Douglas Fir wood without any notable observations. The difference between the Class B and C brands represents **an increase of 268% fuel volume. This does not take into account the added duration or intensity with which the fuel will burn given the increase in fuel volume.**

A material receiving a Class A rating must be able to sustain flame exposure produced by one flaming brand with a total volume of 324 cubic inches of Douglas Fir wood without any notable observations. The difference between a Class A and B brands represents **an increase of 100% fuel volume. This represents an increase of 536% fuel volume over the Class C rating. This does not take into account the added duration or intensity with which the fuel will due to the increase in fuel volume.**

Test #3 and #4: Spread of Flame and Flying Brand

Interpretation

Of Test: The flame temperature and the duration of the test are the same for both tests.

A material receiving a Class C rating shall sustain direct flame contact for 4 minutes from a gas flame with a temperature of approximately 1300 degrees F without any notable observations.

A material receiving a Class A or B rating shall sustain direct flame contact for 10 minutes from a gas flame with a temperature of approximately 1400' F with out any notable observations. The difference between a Class A or B and a Class C represents **an increase in duration of 150%. This does take into account the increase in temperature of the flame.**

ASSEMBLY REQUIREMENTS FOR FIRE RETARDANT ROOFING (1)

<u>MATERIAL</u>	<u>RATING</u>	<u>ASSEMBLY REQUIREMENTS</u>
Asphalt/Fiberglass Shingles	A	An underlayment of type 15 felt applied over solid decking.
Treated Cedar Shake or Shingle	A	Not Available
	B	Shake and shingles must be vacuum/pressure treated twice with fire retardant. An underlayment of 30 lb. felt applied over solid decking.
	C	Shake and shingles must be vacuum/pressure treated once with fire retardant. Type 15 felt is over solid or spaced sheeting.
Steel Tiles (Reroofing installations over existing wood roof.)	A	An underlayment of 1/2 inch water proof gypsum board covered with Type 30 felt over counter battens.
	B	Installation of 1 1/2" foil faced fiberglass bat or 72 lb. cap sheet under counter battens.
	C	Roofing material installed on counter battens, no underlayment.
Fibrous Cement Shake (Cal-Shake; Cemwood)	A	An interlayment of Type 30 felt applied over solid or spaced decking.
Fibrous Cement (Hardi-Shake; Permatek)	A	Type 40 felt or 72 lb. cap sheet interlayment w/ spaced or solid decking
	B	Type 30 felt interlayment over solid or spaced decking.
Concrete Tile	A	Type 30 felt over solid or spaced decking. Some bracing or reinforcement of roof structure may be required for standard weight tile; reinforcement usually not required for light weight tiles.
Clay Tiles	A	Type 30 felt over solid decking. Reinforcement of roof structure usually required.

(1) These are typical installations. Consult ICBO Evaluation Reports for detailed requirements for specific products.

HOUSE BILL No. 2023

By Representative Goico

1-15

AN ACT concerning certain restrictive covenants.

Be it enacted by the Legislature of the State of Kansas:

Section 1. ~~(a) Any~~ On and after the effective date of this act, any restrictive covenant that requires the use of wood, shake wood shingles, shakes, shake shingles or similar material in the roof of any building is hereby declared to be against public policy and shall be void and unenforceable unless such covenant also allows for the use of an alternative material which is comparable in appearance, flame resistant or retardant, and meets or exceeds any fire prevention standards established by the Kansas fire marshal pursuant to article [1 of chapter] 31 of the Kansas Statutes Annotated, and amendments thereto, or any municipal building code which has been adopted as required by law, whichever is more restrictive.

~~(b) The provisions of this section shall apply to existing restrictive covenants and to restrictive covenants entered into after the effective date of this act.~~

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book **Kansas register**.

(a)

which requires, permits or allows the use of wood shingles or wood shakes as a roof covering material for any residential dwelling

as an alternative for the use of composition shingles if such composition shingles are incorporated as part of a roof assembly that meets or exceeds the fire resistance standards for a Class C roof as established by testing standards recognized by

applicable to such residential dwelling

(b) The provisions of this section shall apply to any restrictive covenant:
(1) In existence on the effective date of this act; or
(2) entered into on or after the effective date of this act.

(c) The provisions of this section shall not affect the enforceability of a restrictive covenant which regulates or restricts the color, style, dimension or other aesthetic characteristics of roofing material to be used on a residential dwelling if such restrictive covenant meets the requirements of subsection (a).

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Attachment 10

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03-13-03
Attachment 10

**Kansas House Bill No. 2023 Hearing
Senate Local Government Committee**

Thursday March 13, 2003

Mike Vaille
District Manager
Cedar Shake & Shingle Bureau

Good afternoon Senator Allen and committee members. Thank you for allowing me to speak to you today. My name is Mike Vaille, District Manager for the Cedar Shake & Shingle Bureau, a non-profit trade association for manufacturers and related industry businesses.

I lived in the Kansas City area for forty-four years before moving to Colorado four years ago. I was a Volunteer Member firefighter of the Overland Park Fire Department for twenty-two years. I am proud to say I am from the great State of Kansas.

First and foremost our organization would like to thank you for taking the time to examine this proposed bill and give your constituents the diligent review that they expect. My goal here today is to assist you make an informed and educated decision.

1) It is important to realize that restrictive covenants are deed restrictions:

Homeowners move into a particular neighborhood because they like the area and the appearance. Developers establish guidelines or covenants, creating a specific architectural appeal for a subdivision. Homeowners move into a particular neighborhood because they like the area and the appearance dictated by these covenants.

Enforceable covenants protect property values by keeping a standard level of neighborhood appearance. When the homeowners' association is formed for those subdivisions, it is the responsibility of the HOA to enforce those covenants.

Those covenants define allowable roofing products. Generally when wood roofing is required, it additionally allows a choice of tile or slate. These products are considered upscale materials that create higher property values and a uniform aesthetic appearance.

Covenants protect concerned homeowners from neighborhood eyesores that degrade the value of their investment. Examples of other types of common covenants include regulations for pets, parking, fence height, and landscaping.

Homeowners exercise their American freedom of choice when they move into a covenanted area.

2) This proposed bill is against the will of the majority:

A typical covenant change requires a 66-75 percent majority of the voting members' (homeowner) support. This fair vote process reflects property owners' rights to determine the aesthetics of their neighborhood agreed to in their private property contracts.

3) This proposed bill is not written properly:

This proposed bill is flawed in its wording. Topical flame resistant or retardant treatments on wood fiber are not permanent processes. This language should be replaced with IBC fire retardant wording. The reason for this change is that only IBC Chapter 15, UL790, NFPA 256, ASTM E108 products are tested and licensed to be permanent. Dangerous, unlicensed products provide temporary protection, if any at all.

In addition, the effective date of this sweeping legislation should be 270 days from publication in order for all current projects to be completed.

4) Fire statistics:

According to the 2002 National Fire Protection Association report, 93% of all residential fires begin in the interior of the home, with 31% of those fires attributed to kitchens and 14% attributed to bedrooms. Less than 1% of all home fires originate on the roof. My experience as a firefighter has been that in most cases of fires involving roofs, the fire does not originate on the roof. In many cases the fire originates from an out of control fire such as an interior room and content fire. The fire gets outside of the structure through a window or door, and evolves to the roof.

5) The homeowner has a choice to use fire-retardant products:

Cedar shakes and shingles are available pressure-impregnated fire retardant treated. These products are safe, legal, and effective for the life of the roof. There are many insurance providers who will extend policies on homes with wood roofs. Speaking to the proposed Bill's intent, it is redundant to legislate homeowner choice of safe fire-retardant treated products when such products already exist as a legitimate option.

6) Market control:

The marketplace is already controlling products by choice, thus eliminating the need for this proposed bill. I recently drove thru my old neighborhood in Overland Park, KS. This area used to be 100% wood roofs. Now it is about 75% composition roofing products.

7) The real truth to this Bill:

Let's get to the truth of the matter. In a recent discussion with Representative Goico, I asked,

"What is the real intent of this Bill?"

Rep. Goico: "The safety of the citizens".

I replied, "Is safety the real intent, or is it the cost of the material?"

"No, safety is the issue, and to give them choice", he replied.

I said, "You are proposing amendments to the Bill that do nothing to improve the safety of wood shakes, they will still be able to install non-treated shakes or shingles."

Sen. Goico: "Yes, that is true."

I told him that I am prepared to help by presenting an amendment to the Bill to include a minimum Class C fire retardant rating for wood shakes and shingles and leave the inclusion of composition products out of the Bill, if safety, was in fact the issue at hand.

Rep. Goico responded by saying that it cost more for fire treated shakes. When I questioned him about the fact that he had brought this bill forward for safety reasons, and not cost factors for particular roofing materials, he went on to say that many insurance companies will not insure wood roofs. He said that his insurance company would no longer insure his house with wood roofing on it.

We now understand that the Bill is driven by the fact that Rep. Goico's insurance provider will not insure his home with an untreated wood roof, and that he does not want a fire-treated wood roof because it costs more money than non-treated products.

I would like to make clear to the committee, the cedar roofing industry is not proposing a Class C fire retardant rating, but we volunteer that as a viable solution if the problem is actually one of public safety.

8) Freedom is important to Americans:

As a proud American I implore you to protect citizens' fundamental rights and freedoms. At this very moment our great nation stands firm on the international stage, determined to protect its citizens' freedoms. Self-governance of private contracts is a fundamental right that Americans cherish. This proposed bill takes away that right.

The cedar shake and shingle industry asks you to vote no on this proposed bill.

Thank You

ALL-PRO ROOFING OF K.C.

4400 Shawnee Mission Parkway #203
Fairway, Kansas 66205
Phone (913) 962-4601 (913) 362-5700
Fax (913) 362-2200
aprr1@msn.com
www.all-proroofing.com

March 12, 2003

TO : HOUSE OF REPRESENTATIVES, STATE OF KANSAS
FROM : Ruben Hinojosa, Johnson CO, KS resident
SUBJECT: KANSAS HOUSE BILL 2023

I am writing in opposition to H.B.2023. I feel the homeowners associations are self-governing and we should allow the restrictive covenants to be worked out within our own communities.

I have been roofing in JO.CO. since 1992. We used to install wood roofs only, but the market has changed. We roofers have adjusted with the changes. We work with the respective covenants and local building codes of each neighborhood in which we perform services.

Most homeowners associations within JO.CO. have reviewed other allowable roofing materials meeting the restrictive covenants. Many homes associations have accepted the market changes and have allowed alternative products after approval by review committees. Some associations have looked at upgrading the original builder-grade shake roof to a better wood roof. Once the distinction between the un-rated wood roofs in the past and the fire-retardant product of today. Then, a thicker shake with a pressure-treated fire-retardant treatment seems to be the preferred choice.

I am a citizen of Johnson County and my neighborhood association does have restrictive covenants. I live in Leawood and work with the limited roofing materials list allowed, and I am a roofer who works with associations regularly. I don't see the necessity for State Government to interfere with our neighborhood preferences.

Sincerely,



Ruben Hinojosa
President

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03-13-03
Attachment 12

Materials First Ignited in U.S. Home Fires

1987-1991 Annual Average
National Fire Protection Association

	Civilian Deaths 4,279	Fire Incidents 498,100
Upholstered Furniture	21.29%	3.67%
Other Known	17.48%	17.83%
Mattress/Bedding	16.52%	6.91%
Structural Member	7.29%	7.97%
Interior Wall Covering	6.73%	4.12%
Floor Covering	4.11%	2.37%
Fuel	3.86%	3.51%
Electric Wire	3.41%	7.03%
Cooking Materials	3.20%	16.22%
Rubbish or Trash	2.99%	13.73%
Clothing (On a person)	2.87%	0.16%
Clothing (Not on person)	2.71%	3.07%
Newspaper	1.33%	1.24%
Cabinetry	1.12%	1.47%
Christmas Tree	0.84%	0.10%
Linen	0.82%	0.74%
Curtain/Drape	0.79%	1.12%
Wall/Exterior	0.77%	3.45%
Box/Bag	0.58%	1.08%
Ceiling Covering	0.40%	0.58%
Roof/Exterior	0.23%	1.69%
Non-upholstered Furniture	0.19%	0.08%
Insulation	0.16%	1.10%
Cleaning Supplies	0.14%	0.30%
Books	0.05%	0.12%
Ironing Board	0.05%	0.04%
Decorations	0.02%	0.16%
Fabrics	0.02%	0.10%
Luggage	0.00%	0.02%
	100.00%	100.00%