

**Letter Sent to Mayor Cates and
HARC Commissioners**



July 30, 2013

Mayor Craig Cates
City of Key West
3132 Flagler Avenue
Key West, FL 33040

Dear Mayor;

As you know, for the last eight years Fair Insurance Rates in Monroe (FIRM) has been working to obtain fair and sound windstorm rates for Monroe County. While we are proud of our successes in slowing the rate of increases in premiums and protecting consumers from unfair practices, much work remains to be done.

One part of this remaining work involves hardening our homes and commercial structures. It is absolutely clear that Citizen's Property Insurance Company (CPIC) has recently tightened the requirements necessary to obtain mitigation credits. In addition to protecting life and property, these mitigation activities generate substantial (up to 30-35%) savings in premiums. It is FIRM's position that hardening our homes and commercial structures to improve both safety and savings on premiums – while maintaining our historic aesthetic – deserves a high priority.

However, FIRM has encountered a unique and unfortunate situation in Old Town Key West, specifically relating to those homes and businesses that fall under the jurisdiction of the Historic Architecture Review Committee (HARC). While FIRM applauds HARC's general purpose and goals, we believe its current guidelines concerning hardening of homes is out-of-date and overly proscriptive. For example, HARC's insistence that windows in contributing structures remain wood with putty glazing is counterproductive to the preservation of life and property.

To be absolutely clear, our research indicates that the HARC guidelines in question are not required by Federal or State laws and regulations. We understand that the current guidelines may be amended and updated. It is FIRM's view that as currently written, HARC's guidelines ignore today's technology and historic restoration standards permitted by applicable Federal and State laws and /or regulations. While the guidelines adopted some years ago by HARC may have been what were within technological specifications at that time, today they are simply way behind the times and obsolete. Indeed, other large historic districts with the same commitment to historic preservation as Key West, such as Boston and Washington D.C., have mandated regulations that maintain the historic appearance of such things as style and color of windows to be replaced without requiring restoration of windows made of inferior materials (wood).

In the years since the adoption of these HARC regulations, not only has windstorm insurance grown to crisis dimensions but the technology of making storm-rated windows that look substantially like wood windows has greatly improved. In fact, HARC allows such windows on building additions and new construction in the historic district but not on existing buildings under their purview. The currently preferred HARC option is to maintain/restore single pane wood windows and cover them with storm rated shutters. FIRM has the following concerns with this policy:

- 1) By affixing metal or various Plexiglas type shutters to the outside of the home/business, emergency egress is effectively blocked. Life Safety, Fire Prevention, and Building Codes all specify that each bedroom have a window opening of sufficient size that inhabitants can exit and fire personnel (with helmet and tank on their backs) can enter. While most windows in Old Town Key West are of sufficient size, they are rendered useless in the event of a fire or flood by the use of these shutters, potentially trapping residents inside and blocking fire and rescue responders from access to help them.
- 2) None of these storm-rated shutters is actually historically accurate.
- 3) Metal and Plexiglas shutters are difficult to install or remove, especially from second story windows.
- 4) Without the installation of storm shutters, wooden windows do not have the strength to meet current Florida Building Code High Velocity Hurricane Zone standards. Wooden, historically "accurate" windows without shutters invite significant structural storm damage.
- 5) Un-shuttered wooden windows do not qualify for any mitigation credits from CPIC. As of today, historically accurate wooden shutters do not receive any mitigation credits either.

Replacement windows made of materials that can withstand high velocity winds and penetration by objects are now available and look substantially like original wood. They are both thermally and sonically more efficient than wood windows, do not require installation when a storm threatens, and more importantly can be easily opened by the occupant or fire/rescue personnel.

In other words, in addition to the safety concerns here, homeowners are prevented from availing themselves of substantial insurance mitigation credits in order to comply with HARC policies requiring substandard windows and shutters which, with all due respect, do not adhere to 21st century technology for safe, energy efficient, and home-hardening strategies in historic districts around the country.

It is FIRM's position that the city and its citizens would be better served by amending the current guidelines to allow, as do other large and sophisticated historic districts, windows of the proper style and color constructed of modern materials that emulate the appearance of wood. Then, if a homeowner desired, historically accurate, operable shutters could be added which would enhance the look of the home. We believe this is the surest way to preserve our great cultural and historical asset that HARC is meant to protect.

We urge you to discuss this matter with your current appointee to the HARC.

Please note that FIRM stands ready to provide a briefing to you or your appointee at a mutually convenient time.

On Behalf of the Board of Directors
Fair Insurance Rates in Monroe



Heather Carruthers, President

CC: Rudy Molinet, Chair HARC (via email)
Richard Logan HARC (via email)
Donna Bosold, Vice Chair HARC (via email)
Theo Glorie, HARC (via email)
Patrick Wright, HARC (via email)
Michael Miller HARC (via email)
Maggie Gutierrez, HARC (via email)
Enid Torregrosa, Historic Preservation Planner City of Key West (via email)
Don Craig, Planning Director City of Key West (via email)
FIRM BOD (via email)

**Letter Sent to FIRM from
City Manager Vitas**



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3720

August 23, 2013

Hon. Heather Carruthers
President
Fair Insurance Rates in Monroe
#422 Fleming Street
Suite 5
Key West, FL 33040

RE: 30 JULY 2013 LETTER--FIRM CONCERNS
REGARDING HARC GUIDELINES FOR WINDOWS
AND SHUTTERS ON HISTORIC BUILDINGS

Honorable Commissioner Carruthers:

I hope that you and your family are doing well. The Mayor asked me to respond to your letter of 30 July to him expressing concerns about wind insurance, the City's Historical Architectural Review Commission regulations for window and shutter replacements in historic buildings, and FIRM's position that the regulations are directly related to the high windstorm insurance rates paid by homeowners.

I have directed Donald Craig, Director of Development Services to organize a workshop, where the HARC Commissioners, members of FIRM, City staff and citizens, can exchange ideas, determine alternatives and make recommendations to resolve the issues mentioned in your letter. A presentation by FIRM will be instrumental to the success of the workshop. The proposed date is October 8, 2013 at 6:00pm, at Old City Hall. An alternative date can be arranged if this is inconvenient for you and members of FIRM.


After the workshop, all recommendations will be presented to HARC at an advertised meeting for review and vote. Any changes proposed to HARC guidelines will require Planning Board, City Commission and Florida Department of Economic Opportunity (DEO) approval, because the guidelines are adopted by ordinance.

As you know from your long residence in the city, the citizens of Key West are the stewards of the largest historic district in the state of Florida, which is one of the most important districts east of the Mississippi river. In response to the responsibilities entrusted to the city by National and State Historic district designations, the HARC guidelines were adopted in 2004. In past years HARC members and city staff have been supportive of revisions to the guidelines which respond to rapid changes in construction technology, which also recognize the State and Secretary of the Interior's requirements, for historic building and districts.

The proposed workshop will assure that FIRM, HARC members, City staff and citizens all participate in this important effort. Please let me know, at your convenience, if the proposed date will work for you and your group. I am asking Donald Craig to assist you in coordinating the workshop.

I appreciate all the hard work you and FIRM have done in the past eight years in our community. I look forward to working with you in this and any other future projects, important to you, your district and the community.

Respectfully;



Bogdan Vitas

City Manager

Cc: Mayor Craig Cates and City Commissioners
Mr. Rudy Molinet , Chairman of HARC