

# Standard Ensuing Damages Document

## [Code & Manufacturer Compliance Review](#)

**Insurance carriers pay for all reasonable and necessary materials and labor required to restore a property to its pre-loss condition, including ensuing damages and all system-dependent components that are unavoidably affected during covered repairs. These items cannot be denied solely under "wear and tear," "deterioration," or "not storm-related" when they must be disturbed, removed, or replaced as a direct result of performing the approved roof replacement. This review outlines the minimum code, manufacturer, and policy requirements that apply any time roofing, flashing, or gutter components must be removed or reinstalled to complete approved work.**

### **R904.1 - Install per Manufacturer Instructions**

The requirements set forth in this section shall apply to the application of roof covering materials specified herein. Roof assemblies shall be applied in accordance with this chapter and the manufacturer's installation instructions. Installation of roof assemblies shall comply with the applicable provisions of Section R905.

### **R905.1/R905.2 - General Requirements for Roof Coverings (Asphalt Shingles)**

Roof coverings shall be applied in accordance with the applicable provisions of this section and the manufacturer's installation instructions.

Once a roof is opened, all components being reinstalled must meet current manufacturer requirements. This applies not only to flashings but also to the roof deck itself. Manufacturers universally prohibit reinstalling shingles over decking that cannot maintain proper fastener retention and reinstalling bent, creased, or previously fastened flashings. If removal of the roof reveals decking that is soft, delaminated, spongy, or otherwise unable to hold fasteners, or if the removal process necessarily damages or invalidates flashings or other interdependent components, replacement is required regardless of age or pre-existing condition.

### **R908.1 - Repairs Must Comply with Chapter 9**

Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of this chapter. When performing approved work, any decking, flashing, underlayment, or integrated components that cannot remain intact without violating Chapter 9 must be replaced.

### **R908.2 - Structural & Construction Loads**

A roof replacement requires removal of all existing layers down to the deck. If the deck is damaged, deteriorated, or fails manufacturer fastener retention after tear-off, replacement becomes mandatory to meet code and manufacturer fastening requirements. Denial under "deterioration" is not valid because tearing off a roof to perform a covered replacement exposes hidden conditions. These conditions become part of the reasonable and necessary cost of performing the covered repair.

### **R908.3 - Roof Replacement**

Roof replacement shall include the removal of existing layers of roof coverings down to the roof deck.

### **R908.5/R908.6 - Reinstallation of Materials (Flashings)**

Any existing flashings, edgings, outlets, vents, or similar devices that are a part of the assembly shall be replaced where rusted, damaged, or deteriorated. Aggregate surfacing materials shall not be reinstalled.

This includes step flashing, counter flashing, chimney saddles/crickets, skylight kits, and apron/headwall flashings. These conditions are unavoidable ensuing damages, not separate "wear and tear" items.

### **R102.6.1 - Repairs Must Meet Requirements for New Work**

Additions, alterations, or repairs to any structure shall conform to the requirements for a new structure. Additions, alterations, repairs, and relocations shall not cause an existing structure to become less compliant with the provisions of this code than the structure was prior to work.

## Why Decking, Flashing, & Gutter Tie-Ins Should Be Covered in Your Claim

Ensuing damages are damages that occur as a direct result of performing a covered repair. When a covered roof replacement requires removing flashings, detaching gutters/downspouts, removing skylights or flashing kits, opening walls or siding to access step flashing, or exposing damaged decking, these resulting conditions are covered and not excluded maintenance items.

**Decking:** If nails pull through soft decking or fastener retention fails after tear-off, the damage occurred because a covered roof replacement was required. This is ensuing damage, not a claim for pre-loss wear.

**Flashings:** If flashing cannot be removed without creasing, tearing, or violating R908.6, its replacement is necessary to restore the approved area to a code-compliant, warrantable condition.

**Gutters/Downspouts:** Gutters and downspouts function as continuous systems. When an approved section must be removed and the adjoining section must be detached to maintain slope, overlap, and water integrity, those additional sections are covered ensuing damages.

### Concurrent Causation

Arkansas follows concurrent causation: when a covered cause of loss sets the repair process in motion, and additional damage occurs while performing that covered repair, the ensuing damage is covered even if excluded conditions like age or deterioration are present.

#### Practical application to PWIs:

- If flashing is damaged during removal.
- If decking fails during tear-off.
- If siding/house wrap tears while accessing step flashing.
- If gutter sections cannot be reinstalled without replacement.

These items cannot be shifted to the homeowner because the only reason they were disturbed at all is the carrier-approved, covered repair.

### Pre-Loss Condition Requirement

Insurance must restore the home to its pre-loss condition, which was one continuous, code-compliant roof system with integrated flashings and functional gutter systems. Approving a roof replacement while denying the required components needed to properly reinstall would result in a system that is non-warrantable, below code, mismatched, or dysfunctional. All of these violate the carrier's obligation to restore the insured property.

### Contractor Warranty Requirements

Contractors cannot perform repairs that void manufacturer warranties, create non-compliant assemblies, leave known incompatible components in place, or break continuity of the weatherproofing system. When these conditions arise during a covered roof replacement, replacement of affected components is mandatory to protect the homeowner and maintain system integrity.

### Summary Position for PWIs

Any decking, flashing, siding/house wrap, chimney/skylight components, or gutter/downspout sections that are damaged, deteriorated, or unable to be reinstalled during a covered roof replacement are classified as ensuing damages and are covered under IRC/AFPC code requirements, mandatory manufacturer installation standards, Arkansas concurrent causation doctrine, and the insurer's obligation to restore the property to pre-loss condition. Denying these items under "wear and tear" contradicts both code and policy obligations when the only reason they were disturbed or damaged was the performance of a covered repair.