



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

TINY HOME REGULATION

BACKGROUND BRIEF

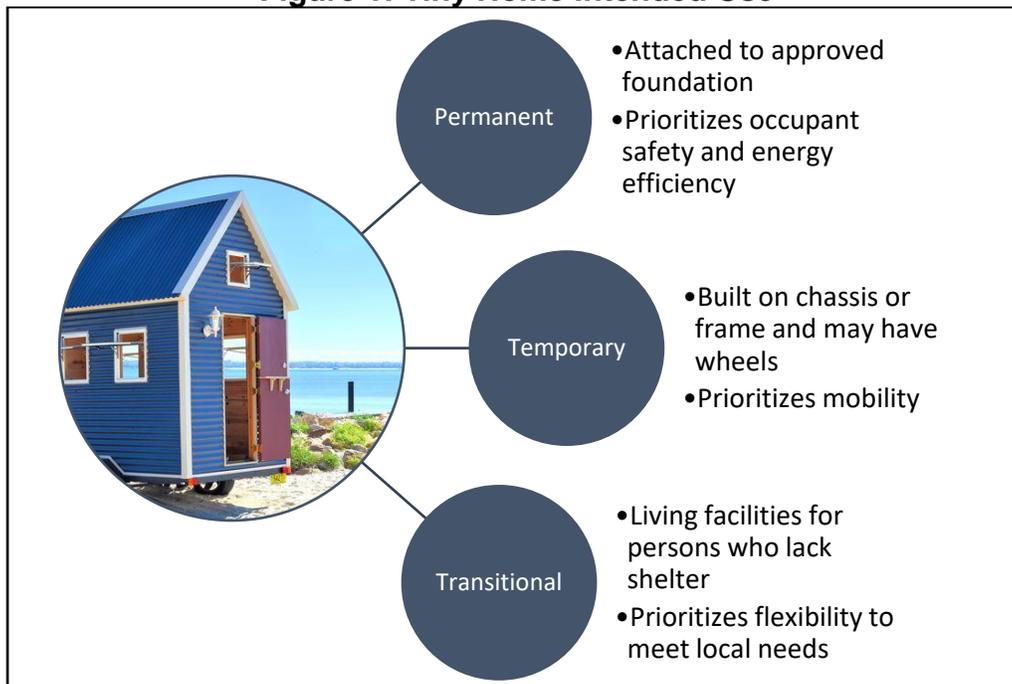
“Tiny home” is an umbrella term for structures designed to provide low-cost or minimally sized housing options for consumers. Tiny homes are subject to building codes and licensing standards that govern their construction and installation, zoning codes that dictate where they can be sited, and registration or trip requirements for mobile tiny homes when moving on public roads.

BUILDING CODES AND LICENSING

Construction regulations for tiny homes can be grouped into three categories based on their intended use: permanent, temporary, and transitional. Each category prioritizes different outcomes. Builders, developers, and consumers should select the regulatory path that aligns with their tiny home priorities.

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Figure 1: Tiny Home Intended Use



Source: Legislative Policy and Research Office

Permanent Dwelling

Permanent tiny homes are attached to an approved foundation and prioritize occupant safety and energy efficiency at the expense of mobility. Permanent tiny homes must meet Oregon's state building code or federal standards. The regulatory model for permanent homes is well-established; builders, developers, and consumers may find this the easiest path to legal siting and occupation of their tiny homes.

Oregon Residential Specialty Code (ORSC).¹ The ORSC currently allows one sleeping loft per tiny home; a ladder may be used as the primary means of access to the sleeping loft in tiny homes under 600 square feet.² Tiny homes that contain a sleeping loft must have an automatic fire sprinkler system.³ Plan reviews, permits, and inspections are mandatory and provided by the local building inspection program.⁴ Builders, electricians, and plumbers must be licensed by the state.⁵

U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards (HUD).⁶ HUD standards do not explicitly allow for the use of lofts and ladders, but manufacturers can seek permission from HUD to pursue innovative designs.⁷ Manufacturers must have their designs, manufacturing plants, and quality assurance manuals certified by a federally approved inspection agency before beginning production.⁸ Dealers and installers are certified by the state.⁹ Tiny homes built under HUD standards are installed on-site with a local permit.¹⁰

Temporary Dwelling

Tiny homes attached to a frame or chassis which may or may not have wheels attached are considered temporary dwellings. Temporary dwellings prioritize mobility and allow for the use of space-saving features like sleeping lofts and ladders. These tiny homes are typically exempt from state construction regulation; builders, developers, and consumers will need to work with municipalities to ensure their tiny home can be legally sited and occupied.

Mobile tiny homes are designed for movement on public highways and subject to the Federal Motor Vehicle Safety Standards adopted by the National Highway Traffic Safety

¹ Dept. of Consumer and Business Services, Building Codes Division. *Residential Structures Code Program*. <<https://www.oregon.gov/bcd/codes-stand/Pages/residential-structures.aspx>>, visited October 29, 2018.

² Dept. of Consumer and Business Services, Building Codes Division. *Amendments to the 2017 Oregon Residential Specialty Code*. <<https://www.oregon.gov/bcd/codes-stand/Documents/res-R329-dwellingunits-lofts-amendment.pdf>>, visited November 2, 2018.

³ *Id.*

⁴ ORS 455.148, ORS 455.150.

⁵ ORS 701.021, ORS 479.620, ORS 693.030.

⁶ U.S. Dept. of Housing and Urban Development. *Office of Manufactured Housing Programs*. <https://www.hud.gov/program_offices/housing/rmra/mhs/mhshome>, visited October 29, 2018.

⁷ U.S. Dept. of Housing and Urban Development. *Alternate Construction*. <https://www.hud.gov/program_offices/housing/rmra/mhs/acintro>, visited October 29, 2018.

⁸ 24 C.F.R § 3282.

⁹ ORS 446.671, OAR 918-515-0005.

¹⁰ ORS 446.252.

Administration (NHTSA).¹¹ This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers.¹² Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.¹³

Recreational Vehicle (RV). An RV tiny home is a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes.¹⁴ Tiny home RVs with a pitched roof, bay windows, or specified exterior materials, are exempt from the state RV regulations.¹⁵

Park Trailer / Park Model. A park trailer or park model tiny home:¹⁶

- Does not exceed 400 square feet;
- Is certified by the manufacturer as complying with a nationally recognized standard for the construction of RVs;
- Is built on a chassis; and
- Is designed to provide temporary living quarters.

The state does not regulate the construction of park trailer tiny homes.¹⁷

Local Discretion for Permanent or Temporary Dwelling

Developers and consumers seeking flexibility can work with their local building official to permanently site a tiny home built to the more permissive temporary construction standards.

Reach Code. The Reach Code is an optional set of construction standards designed to increase energy efficiency.¹⁸ The Department of Consumer and Business Services (DCBS) has recently amended the Reach Code to adopt construction standards for tiny homes.¹⁹ The 2018 Reach Code allows tiny homes under 400 square feet to include sleeping lofts and ladders and requires automatic fire sprinkler systems in all homes, regardless of size.²⁰ The local building department has broad discretion to waive Reach Code construction requirements, determine if a tiny home is temporary or permanent, and allow for temporary tiny homes to be sited as permanent structures.²¹

¹¹ 49 U.S.C. § 301, 49 C.F.R. § 571.

¹² National Highway Traffic Safety Administration. *Requirements for Trailer Manufacturers*. <<http://www.vineze.com/trailer/pdfs/trailer-req-manufac.pdf>>, visited November 2, 2018.

¹³ ORS 818.080, ORS 818.090.

¹⁴ ORS 446.003(33).

¹⁵ OAR 918-525-0005 (9).

¹⁶ OAR 918-525-0005 (10)(b).

¹⁷ OAR 918-525-0005(10)(b).

¹⁸ ORS 455.500.

¹⁹ Dept. of Consumer and Business Services, Building Codes Division. *2018 Oregon Reach Code*. <<https://www.oregon.gov/bcd/codes-stand/Documents/reach-18reachcode.pdf>>, visited October 29, 2018.

²⁰ *Id.*

²¹ *Id.*

Plan reviews, permits, and inspections are mandatory and provided by the local building inspection program.²² Builders, electricians, and plumbers must be licensed by the state.²³

Transitional Housing

Municipalities can establish transitional housing camps within their urban growth boundary to provide living facilities for persons who lack shelter and cannot be placed in low-income housing.²⁴ Transitional housing camps are established and regulated at the municipal level. Any shared water, toilet, shower, laundry, or cooking facilities are regulated under the state standards for recreation parks.²⁵ The 2017 Oregon Transitional Housing Standard contains suggested construction standards for municipalities to consider when establishing requirements for a transitional housing camp.²⁶ This standard is a service to local government and has no regulatory impact until adopted at the municipal level.

ZONING

Zoning codes determine where builders, developers, and consumers can site their tiny homes. Zoning codes for housing must be clear and objective and may not discourage the development of housing through unreasonable cost or delay.²⁷

Permanent

Permanent tiny homes generally offer the easiest path to legal siting and occupation. Permanent tiny homes can be sited as single-family residences or accessory dwelling units (ADUs).

Accessory Dwelling Units (ADUs). A city with a population greater than 2,500 or a county with a population greater than 15,000 must allow for the development of at least one ADU for each detached single-family dwelling within the urban growth boundary.²⁸ Developers and consumers should work with municipalities to ensure their tiny home ADUs can be legally sited and occupied. The City of Portland has published a [guide](#) designed to help citizens legally construct and site an ADU.²⁹

Oregon Residential Specialty Code (ORSC). Tiny homes built to the ORSC are permitted in any residential zone and any commercial zone which allows a single-family

²² ORS 455.148, ORS 455.150.

²³ ORS 701.021, ORS 479.620, ORS 693.030.

²⁴ ORS 446.265 (1)-(2).

²⁵ ORS 446.265(3).

²⁶ OAR 918-020-0390, Dept. of Consumer and Business Services, Building Codes Division. *2017 Oregon Transitional Housing Standard*. <<https://www.oregon.gov/bcd/codes-stand/Documents/17-transitional-housing-standard.pdf>>, visited October 29, 2018.

²⁷ ORS 197.307 (4).

²⁸ ORS 197.312 (5), [Chap. 15, Oregon Laws 2018](#).

²⁹ City of Portland, Bureau of Development Services. *Accessory Dwelling Units*. <<https://www.portlandoregon.gov/bds/index.cfm?a=68689>>, visited October 29, 2018.

dwelling.³⁰ ORSC tiny homes may be subject to other zoning standards, including minimum size requirements.³¹

HUD Standard. Cities and counties must allow for the siting of HUD Standard tiny homes on all land zoned for single-family residential use within the urban growth boundary.³² Cities and counties may adopt standards for HUD Standard tiny homes, including minimum size, foundation construction methods, roof slope, siding material, energy efficiency, the inclusion of a garage or carport, and any other standard to which an ORSC single-family dwelling on the same lot is subject.³³ HUD Standard tiny homes can also be sited in manufactured dwelling parks, which are discussed below.

Temporary

Manufactured dwelling, mobile home, and RV parks are places where multiple temporary structures are sited.³⁴ State and local government may not prohibit siting or occupying a temporary tiny home located in one of these parks and lawfully connected to utilities.³⁵ Outside of these parks, municipalities regulate where temporary tiny homes may be sited. The City of Portland has deprioritized enforcement of the city's zoning code to allow the siting of temporary tiny homes in specified locations.³⁶

Transitional

Municipalities can establish transitional housing camps within their urban growth boundary to provide living facilities for persons who lack shelter and cannot be placed in low-income housing.³⁷ State law specifies that transitional housing camps may not cover more than two parcels in a municipality and should be placed in locations with access to grocery stores and public transportation.³⁸

MOBILE TINY HOME VEHICLE REGISTRATION

Mobile tiny homes are temporary tiny homes designed for movement on public highways. As noted above, mobile tiny homes are subject to the motor vehicle safety standards adopted by the NHTSA, including standards for brakes, lamps, wheels, tires, rear impact guards, and VIN numbers.³⁹ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.⁴⁰

³⁰ ORS 197.665 (1).

³¹ ORS 197.665 (2).

³² ORS 197.314 (1), ORS 446.003 (24).

³³ ORS 197.307 (8).

³⁴ ORS 446.003 (23), ORS 446.003 (30), ORS 446.310(9).

³⁵ ORS 197.493.

³⁶ City of Portland, Bureau of Development Services. *City to allow RVs, tiny homes on wheels on private property with conditions*. <<https://www.portlandoregon.gov/bds/article/659268>>, visited October 31, 2018.

³⁷ ORS 446.265 (1)-(2).

³⁸ ORS 446.265 (5).

³⁹ 49 U.S.C. § 301, 49 C.F.R. § 571.

⁴⁰ ORS 818.080, ORS 818.090.

Registration or a trip permit is required to move a tiny home on Oregon roads.⁴¹ Mobile tiny homes not wider than eight and one-half feet and not used for commercial or business purposes must be registered as travel trailers with the Oregon Department of Transportation (ODOT).⁴² Unregistered mobile tiny homes must obtain a [trip permit](#) before moving on Oregon roads, and tiny homes exceeding the maximum width must obtain an [over-dimension permit](#).

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⁴¹ ORS 803.300, ORS 803.305 (18).

⁴² ORS 801.565.