



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

TINY HOME REGULATION

BACKGROUND BRIEF

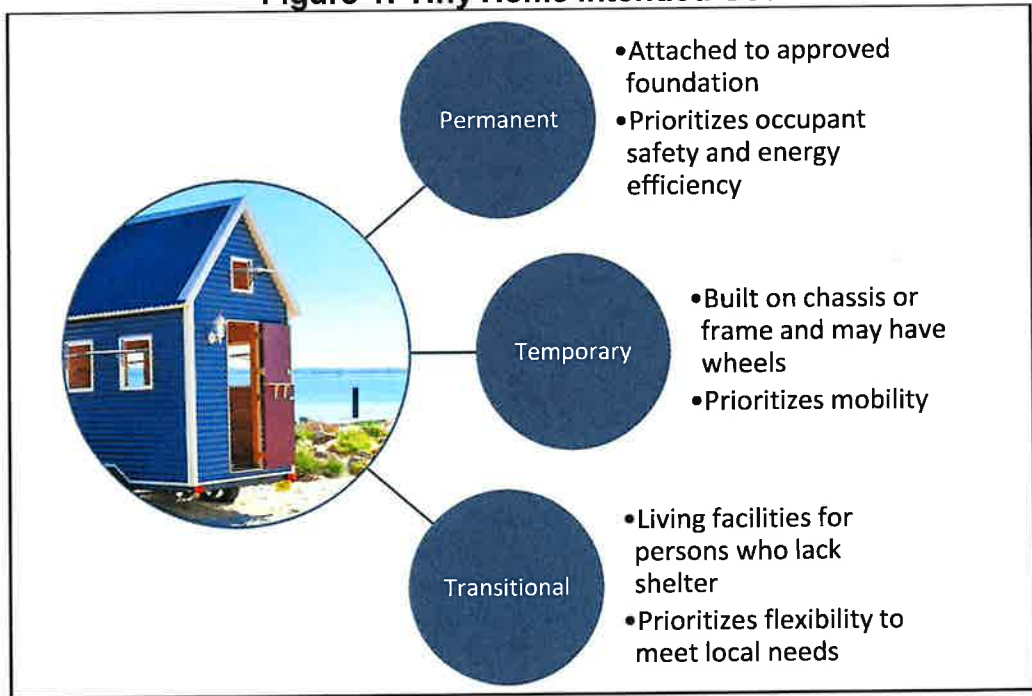
“Tiny home” is an umbrella term for structures designed to provide low-cost or minimally sized housing options for consumers. Tiny homes are subject to building codes and licensing standards that govern their construction and installation, zoning codes that dictate where they can be sited, and titling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

BUILDING CODES AND LICENSING

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

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 who work on an ORSC tiny home must be licensed by the state.⁵

Oregon Small Home Specialty Code (OSHSC).⁶ As of October 1, 2019, single-family residences up to 400 square feet may be built to the Small Home Specialty Code (SHSC), which allows for the use of sleeping lofts accessed by ladders as long as the structure contains fire protection approved by the municipal building official. The SHSC is adopted in statute, may not be amended by DCBS, and sunsets January 1, 2026. OSHSC tiny homes are subject to the same plan review, permit, inspection, and contractor licensing requirements as ORSC tiny homes.

U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards.⁷ HUD standards do not explicitly allow for the use of lofts and ladders, but manufacturers can seek permission from HUD to pursue innovative designs.⁸ Manufacturers must have their designs, manufacturing plants, and quality assurance manuals certified by a federally approved inspection agency before beginning production.⁹ Dealers and installers are certified by the state.¹⁰ Tiny homes built under HUD standards are installed on-site with a local permit.¹¹

¹ Dept. of Consumer and Business Services (DCBS), 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 [House Bill 2423 \(2019\)](#).

⁷ 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.

⁸ U.S. Dept. of Housing and Urban Development. *Alternate Construction*.

<https://www.hud.gov/program_offices/housing/rmra/mhs/acintro>, visited October 29, 2018.

⁹ 24 C.F.R. § 3282.

¹⁰ ORS 446.671, OAR 918-515-0005.

¹¹ ORS 446.252.

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.

Temporary dwellings may not be permanently affixed to land for use as a permanent dwelling unless located in a mobile home park.¹² As of January 1, 2020, the State Building Code will no longer regulate the construction of temporary dwellings including recreational vehicles, park model recreational vehicles, or tiny homes on wheels.¹³ Builders, developers, and consumers will need to work with municipalities to ensure their temporary tiny home can be legally sited and occupied.

Mobile tiny homes are designed for regular movement on public highways and subject to the Federal Motor Vehicle Safety Standards adopted by the National Highway Traffic Safety Administration (NHTSA).¹⁴ This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers.¹⁵ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.¹⁶ Temporary tiny homes not designed for regular movement on public highways can be transported under a [trip permit](#) or an [over-dimension permit](#).

Recreational Vehicle (RV). An RV tiny home is a vehicle with or without motive power, that is designed for use as temporary living quarters and which is not wider than eight and one-half feet.¹⁷ The Oregon Department of Transportation (ODOT) provides certificate of title and registration for RV tiny homes.¹⁸

Park Model Recreational Vehicle (PMRV). A PMRV tiny home is an RV that:¹⁹

- Is designed for use as temporary living quarters;
- Is built on a single trailer or chassis mounted on wheels;
- Has a gross trailer area that does not exceed 400 square feet;
- Is more than eight and one-half feet wide; and,
- Complies with manufacturing standards and other requirements adopted by ODOT.

As of January 1, 2020, ODOT will provide certificate of title for PMRV tiny homes.²⁰

¹² [House Bill 2333, sect. 2, 4 \(2019\)](#).

¹³ [Senate Bill 410 \(2019\)](#).

¹⁴ 49 U.S.C. § 301, 49 C.F.R. § 571.

¹⁵ National Highway Traffic Safety Administration. *Regulations* <https://www.nhtsa.gov/laws-regulations/fmvss> (last visited October 15, 2019).

¹⁶ ORS 818.080, ORS 818.090.

¹⁷ [House Bill 2333, sect. 6 \(2019\)](#), ORS 801.565.

¹⁸ ORS 801.565, ORS 803.045, ORS 803.300-445.

¹⁹ [House Bill 2333, sect. 2 \(2019\)](#).

²⁰ *Id.*

Transitional Housing

Local governments can establish transitional housing units within their urban growth boundary to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing.²¹

Transitional housing units can include yurts, cabins, fabric structures, and other similar accommodations. Transitional housing units are established and regulated at the local government level. The 2017 Oregon Transitional Housing Standard contains suggested construction standards for municipalities to consider when establishing transitional housing units.²² This standard is a service to local government and has no regulatory impact until adopted by local government.

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.²³

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.²⁴ 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.²⁵

Cottage Clusters. A “cottage cluster” is a group of four or more detached housing units not larger than 900 square feet that share a common courtyard.²⁶ By June 30, 2021, the Portland Metropolitan area and cities with a population greater than 25,000 must allow cottage clusters on land zoned for residential use within the urban growth boundary.

Oregon Residential Specialty Code (ORSC). Tiny homes built to the ORSC are detached single-family dwellings and can be built on land zoned for that purpose.²⁷

²¹ ORS 446.265 (1)-(2).

²² OAR 918-020-0390, Dept. of Consumer and Business Services, Building Codes Division. *2017 Oregon Transitional Housing Standard*.

https://digital.osl.state.or.us/islandora/object/osl%3A99143/datastream/OBJ/download/2017_Oregon_transitional_housing_standard.pdf, visited October 15, 2019.

²³ ORS 197.307 (4).

²⁴ ORS 197.312 (5), [Chap. 15, Oregon Laws 2018](#).

²⁵ City of Portland, Bureau of Development Services. *Accessory Dwelling Units*.

<https://www.portlandoregon.gov/bds/index.cfm?a=68689>, visited October 29, 2018.

²⁶ [House Bill 2001 \(2019\)](#).

²⁷ OAR 660-008-0005 (3).

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

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.²⁸ 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.²⁹ 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.³⁰ 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.³¹ Outside of these parks, municipalities regulate where and how long 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.³²

Transitional

Local governments can establish transitional housing units within their urban growth boundary to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing.³³ Transitional housing units are established and regulated by local government.

TEMPORARY TINY HOME TITLING AND 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.³⁴ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.³⁵

Registration or a trip permit is required to move a tiny home on Oregon roads.³⁶ 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

²⁸ ORS 197.314 (1), ORS 446.003 (24).

²⁹ ORS 197.307 (8).

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

³¹ ORS 197.493.

³² 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.

³³ [House Bill 2916 \(2019\)](#).

³⁴ 49 U.S.C. § 301, 49 C.F.R. § 571.

³⁵ ORS 818.080, ORS 818.090.

³⁶ ORS 803.300, ORS 803.305 (18).

Transportation (ODOT).³⁷ 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](#).

As of January 1, 2020, ODOT will provide titling documents for temporary tiny homes not exceeding 400 square feet, regardless of width, that meet standards adopted by ODOT.³⁸ Titling documents should help owners to obtain financing and insurance for their temporary dwellings.

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³⁷ ORS 801.565.

³⁸ [House Bill 2333 \(2019\)](#).