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May 17, 2017

Senate Committee on Business and Transportation
Oregon Senate
900 Court Street SE
Salem, OR 97301

RE: HB-2737 (-2): Tiny Houses

Dear Chair Beyer and members of the Senate Committee on Business and Transportation:

My name is Andrew Morrison. I am the leading author of Appendix V, the tiny house specific building code recently approved in the 2018 International Residential Code (IRC) by the International Code Council (ICC). The ICC is charged with developing building codes in the United States, including the model code for all residential construction in the state of Oregon. It is the specific language from Appendix V, which makes up the body of HB 2737.

There is no doubt that the popularity of tiny houses continues to grow in Oregon. Oregonians are building tiny houses all over the state, finally realizing the dream of home ownership and the pride of ownership that comes with such an opportunity. I want to be clear that **a vote against this Bill would be a vote for the continued construction of tiny homes without any oversight, which would put more Oregonians at risk.** We need to ensure that all homes built in Oregon are built under the oversight of credible building departments and inspectors. That's exactly what this Bill creates: a pathway for legal construction of code-compliant tiny houses.

I am writing in response to Mr. Mark Long's letter dated April 17, 2017. I appreciate Mr. Long's concern for the health and safety of Oregon residents; however, I believe he is greatly exaggerating the concerns of his position. In the following paragraphs, I have responded to Mr. Long's claims with factual data for the record.

Mr. Long states in the opening of his letter that "our primary concern about HB-2737 (-2) is that it eliminates building code safety provisions for small homes." This is not accurate. The language of the Bill is very specific and speaks only to ceiling heights, loft areas, loft access, and emergency egress and rescue. **HB-2737 (-2) in no way "eliminates building code safety provisions."**

Mr. Long claims that the Bill "eliminates certain fire safety requirements for users and occupants of small houses." As stated above, the Bill only addresses ceiling heights, loft areas, loft access, and emergency egress and rescue. It should be noted that in regards to emergency egress and rescue, **the Bill requires tiny houses to meet the current International Residential Code (IRC) standards,** which are the base code for the Oregon Residential Specialty Code (ORSC), as written with one additional option: the use of an emergency roof access window that meets all of the requirements of a standard emergency egress window.

Mr. Long claims that the building code requirements have not been "adequately vetted at the national level." This is statement is not accurate as the language used in **HB-2737 (-2) is the language approved by the International Code Council (ICC) for inclusion in the 2018 International Residential Code (IRC).**

The ICC is the agency responsible for the development of nearly all building codes in the United States, including the Oregon Residential Specialty Code (ORSC). During the vetting and approval process, the code language received the required 2/3 majority approval from the national building officials and fire marshals present in the room during the Public Comment Hearings in Kansas City, MO in October. **It was later approved by the entire ICC voting community (made up of 20,000 building officials and fire marshals across the United States) where it once again received the required 2/3 majority vote.** This code language has been adequately vetted through the same channels that all residential building codes are approved in the United States, Oregon included.

Mr. Long continues in his letter that he and his colleagues “have not been able to locate any scientific justification that supports elimination of fire safety codes for small houses.” There are two points to be made here.

1. As stated above, the language of **HB-2737 (-2) does not eliminate fire safety codes** for small houses.
2. As a proponent of tiny houses and code oversight, **I am in agreement that fire safety is of utmost importance.** There is a serious need for building code oversight to insure that tiny homes are built to meet safety standards. That is precisely why I co-authored the IRC code appendix (the language used in HB-2737 (-2)).

Mr. Long’s claim that the provisions of the nationally approved IRC appendix language, and thus that of HB-2737 (-2), would create a “lower standard of care for small houses” and that would in some way “subject the state to a claim of violation of the equal protection clause of Article 1 of the Oregon Constitution” is unfounded. **Legal Council has reviewed the Bill and has stated without question that they find no such concern as was noted in the House testimony.** Further, Mr. Long’s claim that the state could be exposed to “significant tort risk” is not supported by Legal Council’s findings, once again, as stated in the House testimony.

Speaking specifically to Mr. Long’s stated concerns about fire risk, it should be noted that all 6 of the details he lists in his letter are based on assumptions and are not supported by data. **Mr. Long’s suggestion that smoke detectors and fire sprinkler systems would not work in smaller homes is unfounded.** These very systems have been used for years and are considered industry standard for all residential construction. In fact, they are considered the industry standard for residential, commercial, and industrial construction. The size of a home would in no way make those time-tested safety devices suddenly malfunction. In fact, I argue that a smoke detector located in a small structure would actually be more likely to improve the response time for occupants. Smoke would reach the detector and/or sprinkler (if required by current codes) faster due to the small size of the structure and thus the detector’s proximity to the fire source. The occupants would therefore be alerted of the risk before the fire has a chance to grow to a more dangerous size, giving them increased response time and precious minutes to evacuate the building.

It is my belief that the need for tiny house construction oversight is essential and that HB-2737 (-2) is exactly the legislation we need to get that oversight in place as quickly as possible. We simply cannot postpone the construction oversight of this very popular building technique for 3 to 6 years, the timeline likely to be in play under the BCD’s code amendment process. Tiny houses are currently being built all across the state of Oregon without oversight. As such, there is no way to ensure the safety of the occupants. **The language in HB-2737 (-2) is well vetted by thousands of national building officials and fire marshals and clearly meets the intent of the code, per the overwhelming approval of the code provisions.** Further, HB 2737 has a sunset provision that will not keep BCD outside of the adoption process.

Mr. long claims “the national technical committee rejected similar language proposed in HB-2737 (-2).” The only such “rejection” of tiny house code language I am aware of was the original proposed code change for “small houses” that was presented to the ICC in early 2016, before the creation of the current code Appendix. **That language was completely stricken from the record and replaced with the current language of Appendix V (that which is used to create HB 2737 (-2)).**

To be clear, **all tiny houses would be required to meet the same standards and building codes as any other house, other than the specific provisions addressed in HB-2737 (-2)** (ceiling heights, loft areas, loft access, and an additional emergency egress and rescue option). Tiny houses would require licensed contractors to perform the work in the same manner that is currently required by Oregon code. There is no change whatsoever to this requirement. The inclusion of this Bill in Oregon law will give building officials across the state the authority to oversee the health and safety of the construction techniques employed and will increase the overall health and safety of housing in our state.

Remember, a vote against this Bill would be a vote for the continued construction of tiny homes without any oversight and would put more Oregonians at risk. A vote for this Bill is a vote for code-compliant, legal tiny houses

Sincerely,

Andrew C C Morrison [*Electronically Signed*]

Co-Author of the 2018 International Residential Code Appendix V: Tiny Houses (the language used in HB-2737 (-2))