

September 14, 2018

Richard Baumann, Rules Coordinator
State of Oregon Building Codes Division
1535 Edgewater Street NW
Salem, OR 97304

RE: Comment on Proposed Rules for Part II 2018 Oregon Reach Code-relating to Tiny Homes

Dear Richard:

Please accept this updated version of the letter from August 30, 2018 to show the additional jurisdictions that have signed.

The jurisdictions of Clatsop County, Crook County, Deschutes County, Jefferson County, Josephine County, Klamath County, Lane County, Union County, the cities of Bend, Coos Bay, Eugene, Junction City, La Grande, Prineville, Redmond, Springfield and the NW Code Professionals and Clair Company respectfully submit this letter as public comment to the proposed rules being considered by the Oregon Building Codes Division (BCD) concerning Part II of the 2018 Reach Code, relating to Tiny Homes.

Our jurisdictions are appreciative and supportive of BCD efforts to develop an Oregon code pathway for the efficient regulation of new types of housing being constructed within our jurisdictions. Yet, we have a few concerns regarding the use of the Reach Code as that pathway as well as a strong opposition to including standards for mobile units within the Reach Code.

Use of Reach Code as Tiny-Homes pathway

The existing Oregon Reach Code was promulgated under the authority of SB79, adopted by the Oregon Legislature in 2009. The SB79's relating to clause was 'building energy use', and directed the Department of Consumer and Business Services (DCBS) Director to "*design the (Reach) code to increase energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired.*" SB79-Sect 5(1). BCD has not shown that it has the statutory authority to amend the Reach Code outside of the building energy use authority given by the Legislature. Additionally, the current Reach Code proposal states that BCD believes the "*statute may help those builders and contractors wanting to build to the 2018 IRC and Appendix Q*". While this may be BCD's perspective, it should be noted that statewide there has been only a handful of projects that have utilized the agency's Reach Code as an alternative path for energy efficiency, based on the proposed changes, we are concerned that the new Reach Code, specifically Part II will result in a similar lack of use.

In 2017, the Legislature passed SB2737 relating to Tiny Homes and directing DCBS to adopt construction standards for small homes "*to become effective no later than January 1, 2018.*" In January 2018 BCD adopted a new residential code standard 'R329-Dwelling Units Containing a

Loft' that includes a number of provisions intended to mitigate perceived safety issues associated with sleeping lofts, including a requirement for installation of an automatic fire sprinkler system. This new requirement for a single-family residential structure to include an automatic sprinkler systems is a marked change from existing ORSC requirements. The increased cost and complexity of producing tiny homes to meet the additional standards is proving to not be feasible. The R329 standards, while meeting the letter of SB2737, fall short of meeting the intent of the legislation in providing a realistic pathway for the construction of tiny homes in Oregon.

The point of this legislative history is to show that BCD has had opportunity to adopt the IBC's Appendix Q as a local adoption option under ORS 455. Concerns related to fire/life/safety requirements, standards which are included within the R329 standard, are now omitted within the proposal to adopt Appendix Q within the Oregon Reach Code. Our jurisdictions are concerned due to the 1) legal authority for BCD to amend the Reach Code beyond the 'building energy use' authority and 2) the actual use of the Reach Code as a realistic alternative pathway.

Inclusion of Mobile Units within the Building Code

Our major concern with the proposed Part II Reach Code is the inclusion of mobile units within the standards, both from the authority to do so, as well as the proposed standards themselves. In the 'Background' section of the proposed rules on Page One, it states, *"The Division also believes the Reach Code statute provides a framework to establish a new occupancy classification for the tiny house on wheels product."* Similarly to our concerns with the legislative authority to use the Reach Code for tiny homes in general, we are equally concerned with the proposal to create a new occupancy classification under this authority. We ask that BCD provide clarity regarding the statutory authority to create a new classification through this process.

Structures currently regulated by the building codes are improvements to real property, and do not include mobile vehicles. The Reach Code creates a new occupancy type for tiny homes on wheels, for temporary, seasonal, emergency or recreational residential use. The new R5 occupancy definition is the same as the ORS 446 definition of recreational vehicle. Reach code Part II would require every jurisdiction in the state to create a program for RV's. The 130 + local jurisdictions in Oregon should not be developing their own differing programs to attempt to administer building code standards to mobile vehicles, this creates an undue hardship for both the jurisdictions and the owner of the mobile unit.

We believe that the definition of "recreational vehicle" and/or "residential trailer" in ORS 446 is such that mobile tiny homes should fall within the scope of BCD's Recreational Vehicle Services program. Some manufacturers of mobile tiny homes were having their products inspected, approved and labeled through the state's RV program until BCD became aware that the manufacturers were advertising their products as residences (homes). Since that point, BCD has not worked to update the state-wide Recreational Vehicle Services program to address this change in the market. We believe that including the mobile standards within the context of a site built program is unfeasible.

Moving Forward

We request that BCD begin the process to adopt the IBC's Appendix Q as a locally adopted option to the Oregon Residential Specialty Code. In the interim, BCD should provide clarification from the appropriate legal body to confirm the legal authority to revise the Reach Code to include Tiny Home standards. If BCD moves to adopt the proposed Part II standards, we request that all aspects of the mobile units be removed and addressed through existing state-wide Recreational Vehicle Services programs.

Sincerely,

Steve McGuire-Lane County Building Official, David Bowlsby-Springfield Building Official, Mark Whitmill-Eugene Building Official, Randy Davis-Crook County and City of Prineville Building Official, Randy Scheid-Deschutes County Building Official, Mike Smith-City of Coos Bay Building Codes Administrator, Chet Singleton-Jefferson County Building Official, Brian Don-City of La Grande and Union County Building Official, Mark Stevenson- Josephine County Building Official, David Kloss-Clatsop County Building Official, Joseph McClay-City of Bend Building Official, Kevin Roth-Klamath County Building Official, Aaron Yuma-City of Redmond Building Official, Stuart Holderby-Junction City. David Fleming-Clair Company Code Services Manager, Jack Applegate-Building Official NW Code Professionals.

