HOUSE BILL 2916
Sponsored by Representatives MARSH, BONHAM (at the request of League of Oregon Cities)

SUMMARY
The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Expands transitional housing accommodations allowed inside urban growth boundary to include all recreational structures. Removes limits on operators of and number of campgrounds providing transitional housing accommodations. Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to transitional housing; amending ORS 446.003, 446.265 and 446.325; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 446.265 is amended to read:

446.265. (1) A [municipality] local government may [approve] authorize the establishment of a campground inside an urban growth boundary [to be used] for [providing] transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. [The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.]

[2] Use of transitional housing accommodations [described under subsection (1) of this section shall be] is limited to [persons who lack permanent shelter and] individuals and families who cannot be placed in other low income housing. A [municipality] local government may limit the maximum amount of time that an individual or a family may use the accommodations.

[3] Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations.] The transitional housing accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations must provide parking facilities and walkways. The Oregon Health Authority may regulate the shared facilities of the campgrounds [are subject to regulation under the recreation park specialty code described] under provisions the authority deems applicable under ORS 446.310 to 446.350.

[The] Transitional housing accommodations are not subject to ORS chapter 90.

[To the extent deemed relevant by] The Department of Consumer and Business Services[,] may regulate the construction and installation of [yurts on campgrounds used for providing] transitional housing accommodations [established under this section is subject to] under provisions the department deems applicable to the manufactured structures specialty code described in ORS 446.155. [Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.]

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

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(5) [Campgrounds established for providing transitional housing accommodations shall not be al-
lowed on more than two parcels in a municipality.] In approving the [use of parcels for] siting of a
campground for transitional housing accommodations, [the municipality shall] a local govern-
ment may give preference to locations that have access to grocery stores and public transit ser-
vices.

(6) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant
material, having a rigid framework, wooden floor, one or more windows or skylights and that may have
plumbing, electrical service or heat.

SECTION 2. ORS 446.325 is amended to read:

446.325. (1) [Public entities, private persons or nonprofit organizations described] A person op-
erating a campground for transition housing accommodations under ORS 446.265 [(3)], timber
companies and private utilities [shall] may not establish or operate a recreation park without com-
plying with the rules of the Oregon Health Authority and securing the approval of the Director of
the Oregon Health Authority or designee but [shall be] are exempt from the licensing requirement
of ORS 446.320. The director or designee may delegate, to a health official having sufficient envi-
ronmental health specialists, the authority to approve such recreation parks.

(2) ORS 446.310 to 446.350 do not apply to:

(a) Any structure designed for and occupied as a single family residence in which no more than
two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of
six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or
use of the facilities;

(b) Any temporary camping sites used solely and incidentally in the course of backpacking,
hiking, horseback packing, canoeing, rafting or other expedition, unless the expedition is part of an
organizational camp program; or

(c) [A yurt, as defined in ORS 446.265, that is used as a living unit in transitional housing ac-
commodations] Transitional housing accommodations, except for any shared facilities of the
campground supporting the accommodations.

SECTION 3. ORS 446.003 is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
vised National Manufactured Housing Construction and Safety Standards Act would be adversely
affected, and except as provided in ORS 446.265:

(1) “Accessory building or structure” means any portable, demountable or permanent structure
established for use of the occupant of the manufactured structure and as further defined by rule by
the Director of the Department of Consumer and Business Services.

(2)(a) “Alteration” means any change, addition, repair, conversion, replacement, modification or
removal of any equipment or installation that may affect the operation, construction or occupancy
of a manufactured structure.

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) “Approved” means approved, licensed or certified by the Department of Consumer and
Business Services or its designee.

(4) “Board” means the Residential and Manufactured Structures Board.

(5) “Cabana” means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.

(6) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured structures to the department rules and to the department approved quality control manual.

(7) “Conversion” or “to convert” means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.

(8) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.

(9) “Department” means the Department of Consumer and Business Services.

(10) “Director” means the Director of the Department of Consumer and Business Services.

(11) “Distributor” means any person engaged in selling and distributing manufactured structures or equipment for resale.

(12) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.

(13) “Federal manufactured housing construction and safety standard” means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(14) “Fire Marshal” means the State Fire Marshal.

(15) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

(16) “Insignia of compliance” means:

(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

(b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.

(17) “Inspecting authority” or “inspector” means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(18) “Installation” in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

(19) “Installer” means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS
671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

(20) “Listed” means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) “Lot” means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufactured structure.

(23) “Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(24)(a) “Manufactured home,” except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

(25)(a) “Manufactured structure” means a recreational vehicle, manufactured dwelling or recreational structure.

(b) “Manufactured structure” does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) “Manufacturing” means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) “Minimum safety standards” means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(29) “Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of con-
(30) “Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(31) “Municipality” means a city, county or other unit of local government otherwise authorized by law to enact codes.

(32) “Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(33) “Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) “Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(35) “Sale” means rent, lease, sale or exchange.

(36) “Skirting” means a weather resistant material used to enclose the space below the manufactured structure.

(37) “Tiedown” means any device designed to anchor a manufactured structure securely to the ground.

(38) “Transitional housing accommodations” means accommodations [described under ORS 446.265] in a recreational structure designated for individuals or families who lack permanent shelter.

(39) “Utilities” means the water, sewer, gas or electric services provided on a lot for a manufactured structure.

SECTION 4. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.