

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2423**

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages
2 2 through 10 and insert:

3 **“SECTION 1. Sections 2 and 9 of this 2019 Act are added to and**
4 **made a part of ORS chapter 455.**

5 **“SECTION 2. (1) As used in this section, ‘small home’ means a**
6 **single family residence that is not more than 400 square feet in size.**

7 **“(2) Notwithstanding ORS 455.020 and 455.030, Appendix Q of the 2018**
8 **International Residential Code is adopted as a Small Home Specialty**
9 **Code applicable to the construction of a small home.**

10 **“(3) Notwithstanding ORS 455.035 and 455.110, the Director of the**
11 **Department of Consumer and Business Services shall amend the**
12 **Low-Rise Residential Dwelling Code as necessary to ensure that for a**
13 **small home the provisions of the Small Home Specialty Code adopted**
14 **under this section supersede any conflicting provisions of the Low-Rise**
15 **Residential Dwelling Code. Except to the extent superseded by the**
16 **Small Home Specialty Code, the construction of a small home is gov-**
17 **erned by the Low-Rise Residential Dwelling Code. Specialty code pro-**
18 **visions that conflict with the Small Home Specialty Code or with the**
19 **Low-Rise Residential Dwelling Code do not apply to a small home.**

20 **“(4) Notwithstanding ORS 455.020 and 455.030, the director may not**
21 **adopt rules amending the Small Home Specialty Code. The director**

1 **may report recommendations for amendment of the Small Home Spe-**
2 **cialty Code to an interim or regular committee of the Legislative As-**
3 **sembly related to business, in the manner provided under ORS 192.245.**

4 **“(5) Except as provided in ORS 455.610 (6), the director may require**
5 **the installation of fire sprinklers in a small home only if the director**
6 **makes the installation of fire sprinklers a requirement for all types**
7 **of single-family dwellings.**

8 **“SECTION 3.** ORS 455.010 is amended to read:

9 “455.010. As used in this chapter, unless the context requires otherwise:

10 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting
11 in the adoption, amendment or administration of a specialty code, specif-
12 ically:

13 “(A) The Building Codes Structures Board established under ORS 455.132;

14 “(B) The Electrical and Elevator Board established under ORS 455.138;

15 “(C) The State Plumbing Board established under ORS 693.115;

16 “(D) The Board of Boiler Rules established under ORS 480.535;

17 “(E) The Residential and Manufactured Structures Board established un-
18 der ORS 455.135;

19 “(F) The Mechanical Board established under ORS 455.140; or

20 “(G) The Construction Industry Energy Board established under ORS
21 455.492.

22 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-
23 risdiction over a particular code, standard, license, certification or matter.

24 “(2) ‘Department’ means the Department of Consumer and Business Ser-
25 vices.

26 “(3) ‘Director’ means the Director of the Department of Consumer and
27 Business Services.

28 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty
29 code [*prescribing*] **that, subject to section 2 of this 2019 Act, prescribes**
30 standards for the construction of residential dwellings that are three stories

1 or less above grade and have an exterior door for each dwelling unit, but
2 are not facilities or homes described in ORS 443.400 or transient lodging.

3 “(5) ‘Municipality’ means a city, county or other unit of local government
4 otherwise authorized by law to administer a building code.

5 “(6) ‘Prefabricated structure’:

6 “(a) Means a building or subassembly that has been in whole or sub-
7 stantial part manufactured or assembled using closed construction at an
8 off-site location to be wholly or partially assembled on-site. [*Prefabricated*
9 *structure’ does not include]*

10 “(b) **Does not mean** a manufactured dwelling, recreational structure or
11 recreational vehicle[,] as those terms are defined in ORS 446.003 **or a small**
12 **home as defined in section 2 of this 2019 Act.**

13 “(7) ‘**Small Home Specialty Code**’ means **the specialty code adopted**
14 **under section 2 of this 2019 Act.**

15 “[7] (8) ‘Specialty code’:

16 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,
17 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)
18 or 480.545 **or section 2 of this 2019 Act.**[, *but does not include]*

19 “(b) **Does not mean** regulations adopted by the State Fire Marshal pur-
20 suant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

21 “[8] (9) ‘State building code’ means the combined specialty codes.

22 “[9] (10) ‘Structural code’ means the specialty code prescribing struc-
23 tural standards for building construction.

24 “[10] (11) ‘Unsafe condition’ means a condition caused by earthquake
25 which is determined by the department or any representative of the depart-
26 ment to be dangerous to life and property. ‘Unsafe condition’ includes but
27 is not limited to:

28 “(a) Any portion, member or appurtenance of a building that has become
29 detached or dislodged or appears likely to fail or collapse and thereby injure
30 persons or damage property; or

1 “(b) Any portion, of a building or structure that has been damaged by
2 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
3 tent that the structural strength or stability of the building is substantially
4 less than it was prior to the earthquake.

5 **“SECTION 4.** ORS 455.135 is amended to read:

6 “455.135. (1) There is established a Residential and Manufactured Struc-
7 tures Board consisting of 11 members appointed by the Governor.

8 “(2) The members of the board shall assist the Director of the Department
9 of Consumer and Business Services in administering the low-rise residential
10 dwelling program **and Small Home Specialty Code** described in this chap-
11 ter.

12 “(3) The board must consist of:

13 “(a) One contractor specializing in the construction of residential struc-
14 tures;

15 “(b) One contractor specializing in the remodeling of residential struc-
16 tures;

17 “(c) One contractor specializing in building multifamily housing three
18 stories or less above grade;

19 “(d) One home designer or architect;

20 “(e) One building official;

21 “(f) One representative of residential building trade subcontractors;

22 “(g) One structural engineer;

23 “(h) One representative of a utility or energy supplier;

24 “(i) One manufacturer of manufactured dwellings;

25 “(j) One seller or distributor of new manufactured dwellings; and

26 “(k) One public member who does not receive compensation from any in-
27 terest represented under paragraphs (a) to (j) of this subsection.

28 **“SECTION 5.** ORS 455.156 is amended to read:

29 “455.156. (1) Notwithstanding any other provision of this chapter, ORS
30 chapter 693 or ORS 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or

1 479.995, the Department of Consumer and Business Services shall carry out
2 the provisions of this section.

3 “(2)(a) A municipality that establishes a building inspection program un-
4 der ORS 455.148 or a plumbing inspection program under ORS 455.150 cov-
5 ering installations under the plumbing specialty code, [or] **the** Low-Rise
6 Residential Dwelling Code **or the Small Home Specialty Code** may act on
7 behalf of the State Plumbing Board to investigate violations of and enforce
8 ORS 447.040, 693.030 and 693.040 and to issue notices of proposed assessment
9 of civil penalties for those violations.

10 “(b) A municipality that establishes a building inspection program under
11 ORS 455.148 or an electrical inspection program under ORS 455.150 covering
12 installations under the electrical specialty code, [or] **the** Low-Rise Residen-
13 tial Dwelling Code **or the Small Home Specialty Code** may act on behalf
14 of the Electrical and Elevator Board to investigate violations of and enforce
15 ORS 479.550 (1) and 479.620 and to issue notices of proposed assessment of
16 civil penalties for those violations.

17 “(c) A municipality that establishes a building inspection program under
18 ORS 455.148 or 455.150 may investigate violations and enforce any provisions
19 of the program administered by the municipality.

20 “(3) The department shall establish:

21 “(a) Procedures, forms and standards to carry out the provisions of this
22 section, including but not limited to creating preprinted notices of proposed
23 assessment of penalties that can be completed and served by municipal in-
24 spectors;

25 “(b) A program to provide that all of the moneys recovered by the de-
26 partment, less collection expenses, be paid to the municipality that initiated
27 the charges when a person charged with a violation as provided in subsection
28 (2) of this section, other than a violation of a licensing requirement, agrees
29 to the entry of an assessment of civil penalty or does not request a hearing,
30 and an order assessing a penalty is entered against the person;

1 “(c) A uniform citation process to be used in all jurisdictions of the state
2 for violation of a licensing requirement. The process may include but need
3 not be limited to all program areas administered by a municipality under
4 ORS 455.148 or 455.150 and may provide a uniform method for checking li-
5 cense status and issuing citations for violation of a licensing requirement,
6 and a consistent basis for enforcement of licensing requirements and treat-
7 ment of violations, including fine amounts;

8 “(d) A program to provide a division of the moneys recovered by the de-
9 partment with the municipality that initiated the charges, when a person
10 charged with a violation as provided in subsection (2) of this section, other
11 than a violation of a licensing requirement, requests a hearing and is as-
12 sessed a penalty. One-half of the amounts recovered shall be paid to the
13 municipality. The department shall keep an amount equal to its costs of
14 processing the proceeding and collection expenses out of the remaining one-
15 half and remit the balance, if any, to the municipality; and

16 “(e) A program to require municipalities to investigate violations of the
17 department’s permit requirements for plumbing installations and services
18 under the plumbing specialty code and for plumbing and electrical installa-
19 tions and services under the Low-Rise Residential Dwelling Code **or Small**
20 **Home Specialty Code**, and to:

21 “(A) Initiate notices of proposed assessment of civil penalties as agents
22 of the boards designated in subsection (2) of this section; and

23 “(B) Pay the agents of the boards out of net civil penalty recoveries as
24 if the recoveries were under paragraphs (b) and (d) of this subsection.

25 “(4) The assessment of a civil penalty under this section by a municipality
26 is subject to the amount limitations set forth in ORS 455.895.

27 “(5)(a) It shall be a defense for any person charged with a penalty for
28 violation of a building inspection program permit requirement covering
29 plumbing installations under the plumbing specialty code, electrical permit
30 requirements under ORS 479.550 or plumbing or electrical requirements un-

1 der the Low-Rise Residential Dwelling Code **or Small Home Specialty Code**
2 that the person was previously penalized for the same occurrence.

3 “(b) A building inspection program permit requirement is a requirement
4 contained in a specialty code or municipal ordinance or rule requiring a
5 permit before the particular installations covered by the codes are com-
6 menced.

7 “(c) A penalty for the same occurrence includes a combination of two or
8 more of the following that are based on the same plumbing or electrical in-
9 stallation:

10 “(A)(i) An investigative or other fee added to an electrical permit fee
11 when a permit was obtained after the electrical installation was started;

12 “(ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550
13 for failure to obtain an electrical permit;

14 “(iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an
15 electrical permit under the Low-Rise Residential Dwelling Code **or Small**
16 **Home Specialty Code**; or

17 “(iv) A municipal penalty, other than an investigative fee, for making an
18 electrical installation under the electrical specialty code, [*or*] the Low-Rise
19 Residential Dwelling Code **or the Small Home Specialty Code** without a
20 permit; or

21 “(B)(i) An investigative or other fee added to a plumbing permit fee when
22 a permit was obtained after the plumbing installation was started;

23 “(ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a
24 plumbing permit as required under the plumbing specialty code;

25 “(iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a
26 plumbing permit under the Low-Rise Residential Dwelling Code; or

27 “(iv) A municipal penalty, other than an investigative fee, for making a
28 plumbing installation under the plumbing specialty code, [*or*] the Low-Rise
29 Residential Dwelling Code **or the Small Home Specialty Code** without a
30 permit.

1 **“SECTION 6.** ORS 455.610 is amended to read:

2 “455.610. (1) The Director of the Department of Consumer and Business
3 Services shall adopt, and amend as necessary, a Low-Rise Residential
4 Dwelling Code that, **except as provided in section 2 of this 2019 Act,**
5 contains all requirements, including structural design provisions, related to
6 the construction of residential dwellings three stories or less above grade.
7 The code provisions for plumbing and electrical requirements must be com-
8 patible with other specialty codes adopted by the director. The Electrical and
9 Elevator Board, the Mechanical Board and the State Plumbing Board shall
10 review, respectively, amendments to the electrical, mechanical or plumbing
11 provisions of the code.

12 “(2) Changes or amendments to the code adopted under subsection (1) of
13 this section may be made when:

14 “(a) Required by geographic or climatic conditions unique to Oregon;

15 “(b) Necessary to be compatible with other statutory provisions;

16 “(c) Changes to the national codes are adopted in Oregon; or

17 “(d) Necessary to authorize the use of building materials and techniques
18 that are consistent with nationally recognized standards and building prac-
19 tices.

20 “(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the direc-
21 tor may, at any time following appropriate consultation with the Mechanical
22 Board or Building Codes Structures Board, amend the mechanical specialty
23 code or structural specialty code to ensure compatibility with the Low-Rise
24 Residential Dwelling Code.

25 “(4) The water conservation provisions for toilets, urinals, shower heads
26 and interior faucets adopted in the Low-Rise Residential Dwelling Code shall
27 be the same as those adopted under ORS 447.020 to meet the requirements
28 of ORS 447.145.

29 “(5) The Low-Rise Residential Dwelling Code shall be adopted and
30 amended as provided by ORS 455.030 and 455.110.

1 “(6) The director, by rule, shall establish uniform standards for a
2 municipality to allow an alternate method of construction to the require-
3 ments for one and two family dwellings built to the Low-Rise Residential
4 Dwelling Code **or Small Home Specialty Code** in areas where the local
5 jurisdiction determines that the fire apparatus means of approach to a
6 property or water supply serving a property does not meet applicable fire
7 code or state building code requirements. The alternate method of con-
8 struction, which may include but is not limited to the installation of auto-
9 matic fire sprinkler systems, must be approved in conjunction with the
10 approval of an application under ORS 197.522.

11 “(7) For lots of record existing before July 2, 2001, or property that re-
12 ceives any approval for partition, subdivision or construction under ORS
13 197.522 before July 2, 2001, a municipality allowing an alternate method of
14 construction to the requirements for one and two family dwellings built to
15 the Low-Rise Residential Dwelling Code **or Small Home Specialty Code**
16 may apply the uniform standards established by the director pursuant to
17 subsection (6) of this section. For property that receives all approvals for
18 partition, subdivision or construction under ORS 197.522 on or after July 2,
19 2001, a municipality allowing an alternate method of construction to the re-
20 quirements for one and two family dwellings built to the Low-Rise Residen-
21 tial Dwelling Code **or Small Home Specialty Code** must apply the uniform
22 standards established by the director pursuant to subsection (6) of this sec-
23 tion.

24 “**SECTION 7.** ORS 197.307 is amended to read:

25 “197.307. (1) The availability of affordable, decent, safe and sanitary
26 housing opportunities for persons of lower, middle and fixed income, includ-
27 ing housing for farmworkers, is a matter of statewide concern.

28 “(2) Many persons of lower, middle and fixed income depend on govern-
29 ment assisted housing as a source of affordable, decent, safe and sanitary
30 housing.

1 “(3) When a need has been shown for housing within an urban growth
2 boundary at particular price ranges and rent levels, needed housing shall be
3 permitted in one or more zoning districts or in zones described by some
4 comprehensive plans as overlay zones with sufficient buildable land to satisfy
5 that need.

6 “(4) Except as provided in subsection (6) of this section, a local govern-
7 ment may adopt and apply only clear and objective standards, conditions and
8 procedures regulating the development of housing, including needed housing.
9 The standards, conditions and procedures:

10 “(a) May include, but are not limited to, one or more provisions regulat-
11 ing the density or height of a development.

12 “(b) May not have the effect, either in themselves or cumulatively, of
13 discouraging needed housing through unreasonable cost or delay.

14 “(5) The provisions of subsection (4) of this section do not apply to:

15 “(a) An application or permit for residential development in an area
16 identified in a formally adopted central city plan, or a regional center as
17 defined by Metro, in a city with a population of 500,000 or more.

18 “(b) An application or permit for residential development in historic areas
19 designated for protection under a land use planning goal protecting historic
20 areas.

21 “(6) In addition to an approval process for needed housing based on clear
22 and objective standards, conditions and procedures as provided in subsection
23 (4) of this section, a local government may adopt and apply an alternative
24 approval process for applications and permits for residential development
25 based on approval criteria regulating, in whole or in part, appearance or
26 aesthetics that are not clear and objective if:

27 “(a) The applicant retains the option of proceeding under the approval
28 process that meets the requirements of subsection (4) of this section;

29 “(b) The approval criteria for the alternative approval process comply
30 with applicable statewide land use planning goals and rules; and

1 “(c) The approval criteria for the alternative approval process authorize
2 a density at or above the density level authorized in the zone under the ap-
3 proval process provided in subsection (4) of this section.

4 “(7) Subject to subsection (4) of this section, this section does not infringe
5 on a local government’s prerogative to:

6 “(a) Set approval standards under which a particular housing type is
7 permitted outright;

8 “(b) Impose special conditions upon approval of a specific development
9 proposal; or

10 “(c) Establish approval procedures.

11 “(8) In accordance with subsection (4) of this section and ORS 197.314, a
12 jurisdiction may adopt any or all of the following placement standards, or
13 any less restrictive standard, for the approval of manufactured homes located
14 outside mobile home parks:

15 “(a) The manufactured home shall be multisectional and enclose a space
16 of not less than 1,000 square feet.

17 “(b) The manufactured home shall be placed on an excavated and back-
18 filled foundation and enclosed at the perimeter such that the manufactured
19 home is located not more than 12 inches above grade.

20 “(c) The manufactured home shall have a pitched roof, except that no
21 standard shall require a slope of greater than a nominal three feet in height
22 for each 12 feet in width.

23 “(d) The manufactured home shall have exterior siding and roofing which
24 in color, material and appearance is similar to the exterior siding and roof-
25 ing material commonly used on residential dwellings within the community
26 or which is comparable to the predominant materials used on surrounding
27 dwellings as determined by the local permit approval authority.

28 “(e) The manufactured home shall be certified by the manufacturer to
29 have an exterior thermal envelope meeting performance standards which re-
30 duce levels equivalent to the performance standards required of single-family

1 dwellings constructed under the [*state building*] **Low-Rise Residential**
2 **Dwelling** Code as defined in ORS 455.010.

3 “(f) The manufactured home shall have a garage or carport constructed
4 of like materials. A jurisdiction may require an attached or detached garage
5 in lieu of a carport where such is consistent with the predominant con-
6 struction of immediately surrounding dwellings.

7 “(g) In addition to the provisions in paragraphs (a) to (f) of this sub-
8 section, a city or county may subject a manufactured home and the lot upon
9 which it is sited to any development standard, architectural requirement and
10 minimum size requirement to which a conventional single-family residential
11 dwelling on the same lot would be subject.

12 **“SECTION 8.** ORS 446.003 is amended to read:

13 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
14 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
15 nitions apply, unless the context requires otherwise, or unless administration
16 and enforcement by the State of Oregon under the existing or revised Na-
17 tional Manufactured Housing Construction and Safety Standards Act would
18 be adversely affected, and except as provided in ORS 446.265:

19 “(1) ‘Accessory building or structure’ means any portable, demountable
20 or permanent structure established for use of the occupant of the manufac-
21 tured structure and as further defined by rule by the Director of the De-
22 partment of Consumer and Business Services.

23 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, re-
24 placement, modification or removal of any equipment or installation that
25 may affect the operation, construction or occupancy of a manufactured
26 structure.

27 “(b) ‘Alteration’ does not include:

28 “(A) Minor repairs with approved component parts;

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

1 “(C) Adjustment and maintenance of equipment; or

2 “(D) Replacement of equipment or accessories in kind.

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

5 “(4) ‘Board’ means the Residential and Manufactured Structures Board.

6 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
7 fabricated, or demountable, with two or more walls, used adjacent to and in
8 conjunction with a manufactured structure to provide additional living
9 space.

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

13 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-
14 factured structure in whole or in part from one type of vehicle or structure
15 to another.

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

20 “(9) ‘Department’ means the Department of Consumer and Business Ser-
21 vices.

22 “(10) ‘Director’ means the Director of the Department of Consumer and
23 Business Services.

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

26 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
27 tures, fittings and apparatuses used in the construction, plumbing, mechan-
28 ical and electrical systems of a manufactured structure.

29 “(13) ‘Federal manufactured housing construction and safety standard’
30 means a standard for construction, design and performance of a manufac-

1 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
2 opment pursuant to the federal National Manufactured Housing
3 Construction and Safety Standards Act of 1974 (Public Law 93-383).

4 “(14) ‘Fire Marshal’ means the State Fire Marshal.

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

7 “(16) ‘Insignia of compliance’ means:

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

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

12 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
13 partment of Consumer and Business Services or representatives as appointed
14 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
15 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

16 “(18) ‘Installation’ in relation to:

17 “(a) Construction means the arrangements and methods of construction,
18 fire and life safety, electrical, plumbing and mechanical equipment and sys-
19 tems within a manufactured structure.

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

24 “(19) ‘Installer’ means any individual licensed by the director to install,
25 set up, connect, hook up, block, tie down, secure, support, install temporary
26 steps for, install skirting for or make electrical, plumbing or mechanical
27 connections to manufactured dwellings or cabanas or who provides consul-
28 tation or supervision for any of these activities, except architects registered
29 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to
30 672.325.

1 “(20) ‘Listed’ means equipment or materials included in a list, published
2 by an organization concerned with product evaluation acceptable to the de-
3 partment that maintains periodic inspection of production of listed equip-
4 ment or materials, and whose listing states either that the equipment or
5 materials meets appropriate standards or has been tested and found suitable
6 in a specified manner.

7 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manu-
8 factured dwelling park, mobile home park or recreation park that is desig-
9 nated or used for occupancy by one manufactured structure.

10 “(22)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home
11 or manufactured home.

12 “(b) ‘Manufactured dwelling’ does not include any building or structure
13 constructed to conform to the State of Oregon Structural Specialty Code,
14 [or] the Low-Rise Residential Dwelling Code adopted pursuant to ORS
15 455.100 to 455.450 and 455.610 to 455.630 **or the Small Home Specialty Code**
16 **adopted under section 2 of this 2019 Act** or any unit identified as a rec-
17 reational vehicle by the manufacturer.

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

29 “(24)(a) ‘Manufactured home,’ except as provided in paragraph (b) of this
30 subsection, means a structure constructed for movement on the public high-

1 ways that has sleeping, cooking and plumbing facilities, that is intended for
2 human occupancy, that is being used for residential purposes and that was
3 constructed in accordance with federal manufactured housing construction
4 and safety standards and regulations in effect at the time of construction.

5 “(b) For purposes of implementing any contract pertaining to manufac-
6 tured homes between the department and the federal government, ‘manufac-
7 tured home’ has the meaning given the term in the contract.

8 “(25)(a) ‘Manufactured structure’ means a recreational vehicle, manufac-
9 tured dwelling or recreational structure.

10 “(b) ‘Manufactured structure’ does not include any building or structure
11 regulated under the State of Oregon Structural Specialty Code, [or] the
12 Low-Rise Residential Dwelling Code **or the Small Home Specialty Code.**

13 “(26) ‘Manufacturer’ means any person engaged in manufacturing, build-
14 ing, rebuilding, altering, converting or assembling manufactured structures
15 or equipment.

16 “(27) ‘Manufacturing’ means the building, rebuilding, altering or con-
17 verting of manufactured structures that bear or are required to bear an
18 Oregon insignia of compliance.

19 “(28) ‘Minimum safety standards’ means the plumbing, mechanical, elec-
20 trical, thermal, fire and life safety, structural and transportation standards
21 prescribed by rules adopted by the director.

22 “(29) ‘Mobile home’ means a structure constructed for movement on the
23 public highways that has sleeping, cooking and plumbing facilities, that is
24 intended for human occupancy, that is being used for residential purposes
25 and that was constructed between January 1, 1962, and June 15, 1976, and
26 met the construction requirements of Oregon mobile home law in effect at
27 the time of construction.

28 “(30) ‘Mobile home park’ means any place where four or more manufac-
29 tured structures are located within 500 feet of one another on a lot, tract
30 or parcel of land under the same ownership, the primary purpose of which

1 is to rent space or keep space for rent to any person for a charge or fee paid
2 or to be paid for the rental or use of facilities or to offer space free in con-
3 nection with securing the trade or patronage of such person. ‘Mobile home
4 park’ does not include a lot or lots located within a subdivision being rented
5 or leased for occupancy by no more than one manufactured dwelling per lot
6 if the subdivision was approved by the municipality unit having jurisdiction
7 under an ordinance adopted pursuant to ORS 92.010 to 92.192.

8 “(31) ‘Municipality’ means a city, county or other unit of local govern-
9 ment otherwise authorized by law to enact codes.

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

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

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

23 “(35) ‘Sale’ means rent, lease, sale or exchange.

24 “(36) ‘Skirting’ means a weather resistant material used to enclose the
25 space below the manufactured structure.

26 “(37) ‘Tiedown’ means any device designed to anchor a manufactured
27 structure securely to the ground.

28 “(38) ‘Transitional housing accommodations’ means accommodations de-
29 scribed under ORS 446.265.

30 “(39) ‘Utilities’ means the water, sewer, gas or electric services provided

1 on a lot for a manufactured structure.

2 **“SECTION 9. (1) As used in this section, ‘small home’ means a**
3 **dwelling that is not more than 400 square feet in size.**

4 **“(2) The Director of the Department of Consumer and Business**
5 **Services shall adopt construction standards for small homes for in-**
6 **corporation into the state building code. The construction standards**
7 **for small homes must include, but need not be limited to, standards**
8 **that:**

9 **“(a) Allow sleeping lofts; and**

10 **“(b) Allow the use of ladders or alternate tread devices as the pri-**
11 **mary means of egress from a sleeping loft.**

12 **“SECTION 10. ORS 455.010, as amended by section 3 of this 2019 Act, is**
13 **amended to read:**

14 **“455.010. As used in this chapter, unless the context requires otherwise:**

15 **“(1)(a) ‘Advisory board’ means the board with responsibility for assisting**
16 **in the adoption, amendment or administration of a specialty code, specif-**
17 **ically:**

18 **“(A) The Building Codes Structures Board established under ORS 455.132;**

19 **“(B) The Electrical and Elevator Board established under ORS 455.138;**

20 **“(C) The State Plumbing Board established under ORS 693.115;**

21 **“(D) The Board of Boiler Rules established under ORS 480.535;**

22 **“(E) The Residential and Manufactured Structures Board established un-**
23 **der ORS 455.135;**

24 **“(F) The Mechanical Board established under ORS 455.140; or**

25 **“(G) The Construction Industry Energy Board established under ORS**
26 **455.492.**

27 **“(b) ‘Appropriate advisory board’ means the advisory board that has ju-**
28 **risdiction over a particular code, standard, license, certification or matter.**

29 **“(2) ‘Department’ means the Department of Consumer and Business Ser-**
30 **vices.**

1 “(3) ‘Director’ means the Director of the Department of Consumer and
2 Business Services.

3 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty
4 code [*that, subject to section 2 of this 2019 Act, prescribes*] **prescribing** stan-
5 dards for the construction of residential dwellings that are three stories or
6 less above grade and have an exterior door for each dwelling unit, but are
7 not facilities or homes described in ORS 443.400 or transient lodging.

8 “(5) ‘Municipality’ means a city, county or other unit of local government
9 otherwise authorized by law to administer a building code.

10 “(6) ‘Prefabricated structure’:

11 “(a) means a building or subassembly that has been in whole or substan-
12 tial part manufactured or assembled using closed construction at an off-site
13 location to be wholly or partially assembled on-site.

14 “(b) Does not mean a manufactured dwelling, recreational structure or
15 recreational vehicle as those terms are defined in ORS 446.003[*or a small*
16 *home as defined in section 2 of this 2019 Act*].

17 “[~~(7)~~ ‘*Small Home Specialty Code*’ means the specialty code adopted under
18 *section 2 of this 2019 Act.*]

19 “[~~(8)~~ (7) ‘Specialty code’:

20 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,
21 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)
22 or 480.545 [*or section 2 of this 2019 Act*].

23 “(b) Does not mean regulations adopted by the State Fire Marshal pur-
24 suant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

25 “[~~(9)~~ (8) ‘State building code’ means the combined specialty codes.

26 “[~~(10)~~ (9) ‘Structural code’ means the specialty code prescribing struc-
27 tural standards for building construction.

28 “[~~(11)~~ (10) ‘Unsafe condition’ means a condition caused by earthquake
29 which is determined by the department or any representative of the depart-
30 ment to be dangerous to life and property. ‘Unsafe condition’ includes but

1 is not limited to:

2 “(a) Any portion, member or appurtenance of a building that has become
3 detached or dislodged or appears likely to fail or collapse and thereby injure
4 persons or damage property; or

5 “(b) Any portion, of a building or structure that has been damaged by
6 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
7 tent that the structural strength or stability of the building is substantially
8 less than it was prior to the earthquake.

9 **“SECTION 11.** ORS 455.135, as amended by section 4 of this 2019 Act, is
10 amended to read:

11 “455.135. (1) There is established a Residential and Manufactured Struc-
12 tures Board consisting of 11 members appointed by the Governor.

13 “(2) The members of the board shall assist the Director of the Department
14 of Consumer and Business Services in administering the low-rise residential
15 dwelling program [*and Small Home Specialty Code*] described in this chapter.

16 “(3) The board must consist of:

17 “(a) One contractor specializing in the construction of residential struc-
18 tures;

19 “(b) One contractor specializing in the remodeling of residential struc-
20 tures;

21 “(c) One contractor specializing in building multifamily housing three
22 stories or less above grade;

23 “(d) One home designer or architect;

24 “(e) One building official;

25 “(f) One representative of residential building trade subcontractors;

26 “(g) One structural engineer;

27 “(h) One representative of a utility or energy supplier;

28 “(i) One manufacturer of manufactured dwellings;

29 “(j) One seller or distributor of new manufactured dwellings; and

30 “(k) One public member who does not receive compensation from any in-

1 terest represented under paragraphs (a) to (j) of this subsection.

2 **“SECTION 12.** ORS 455.156, as amended by section 5 of this 2019 Act, is
3 amended to read:

4 “455.156. (1) Notwithstanding any other provision of this chapter, ORS
5 chapter 693 or ORS 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or
6 479.995, the Department of Consumer and Business Services shall carry out
7 the provisions of this section.

8 “(2)(a) A municipality that establishes a building inspection program un-
9 der ORS 455.148 or a plumbing inspection program under ORS 455.150 cov-
10 ering installations under the plumbing specialty code[, *the*] **or** Low-Rise
11 Residential Dwelling Code [*or the Small Home Specialty Code*] may act on
12 behalf of the State Plumbing Board to investigate violations of and enforce
13 ORS 447.040, 693.030 and 693.040 and to issue notices of proposed assessment
14 of civil penalties for those violations.

15 “(b) A municipality that establishes a building inspection program under
16 ORS 455.148 or an electrical inspection program under ORS 455.150 covering
17 installations under the electrical specialty code[, *the*] **or** Low-Rise Residen-
18 tial Dwelling Code [*or the Small Home Specialty Code*] may act on behalf of
19 the Electrical and Elevator Board to investigate violations of and enforce
20 ORS 479.550 (1) and 479.620 and to issue notices of proposed assessment of
21 civil penalties for those violations.

22 “(c) A municipality that establishes a building inspection program under
23 ORS 455.148 or 455.150 may investigate violations and enforce any provisions
24 of the program administered by the municipality.

25 “(3) The department shall establish:

26 “(a) Procedures, forms and standards to carry out the provisions of this
27 section, including but not limited to creating preprinted notices of proposed
28 assessment of penalties that can be completed and served by municipal in-
29 spectors;

30 “(b) A program to provide that all of the moneys recovered by the de-

1 department, less collection expenses, be paid to the municipality that initiated
2 the charges when a person charged with a violation as provided in subsection
3 (2) of this section, other than a violation of a licensing requirement, agrees
4 to the entry of an assessment of civil penalty or does not request a hearing,
5 and an order assessing a penalty is entered against the person;

6 “(c) A uniform citation process to be used in all jurisdictions of the state
7 for violation of a licensing requirement. The process may include but need
8 not be limited to all program areas administered by a municipality under
9 ORS 455.148 or 455.150 and may provide a uniform method for checking li-
10 cense status and issuing citations for violation of a licensing requirement,
11 and a consistent basis for enforcement of licensing requirements and treat-
12 ment of violations, including fine amounts;

13 “(d) A program to provide a division of the moneys recovered by the de-
14 partment with the municipality that initiated the charges, when a person
15 charged with a violation as provided in subsection (2) of this section, other
16 than a violation of a licensing requirement, requests a hearing and is as-
17 sessed a penalty. One-half of the amounts recovered shall be paid to the
18 municipality. The department shall keep an amount equal to its costs of
19 processing the proceeding and collection expenses out of the remaining one-
20 half and remit the balance, if any, to the municipality; and

21 “(e) A program to require municipalities to investigate violations of the
22 department’s permit requirements for plumbing installations and services
23 under the plumbing specialty code and for plumbing and electrical installa-
24 tions and services under the Low-Rise Residential Dwelling Code[or *Small*
25 *Home Specialty Code*], and to:

26 “(A) Initiate notices of proposed assessment of civil penalties as agents
27 of the boards designated in subsection (2) of this section; and

28 “(B) Pay the agents of the boards out of net civil penalty recoveries as
29 if the recoveries were under paragraphs (b) and (d) of this subsection.

30 “(4) The assessment of a civil penalty under this section by a municipality

1 is subject to the amount limitations set forth in ORS 455.895.

2 “(5)(a) It shall be a defense for any person charged with a penalty for
3 violation of a building inspection program permit requirement covering
4 plumbing installations under the plumbing specialty code, electrical permit
5 requirements under ORS 479.550 or plumbing or electrical requirements un-
6 der the Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*]
7 that the person was previously penalized for the same occurrence.

8 “(b) A building inspection program permit requirement is a requirement
9 contained in a specialty code or municipal ordinance or rule requiring a
10 permit before the particular installations covered by the codes are com-
11 menced.

12 “(c) A penalty for the same occurrence includes a combination of two or
13 more of the following that are based on the same plumbing or electrical in-
14 stallation:

15 “(A)(i) An investigative or other fee added to an electrical permit fee
16 when a permit was obtained after the electrical installation was started;

17 “(ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550
18 for failure to obtain an electrical permit;

19 “(iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an
20 electrical permit under the Low-Rise Residential Dwelling Code [*or Small*
21 *Home Specialty Code*]; or

22 “(iv) A municipal penalty, other than an investigative fee, for making an
23 electrical installation under the electrical specialty code[, *the*] **or** Low-Rise
24 Residential Dwelling Code [*or the Small Home Specialty Code*] without a
25 permit; or

26 “(B)(i) An investigative or other fee added to a plumbing permit fee when
27 a permit was obtained after the plumbing installation was started;

28 “(ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a
29 plumbing permit as required under the plumbing specialty code;

30 “(iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a

1 plumbing permit under the Low-Rise Residential Dwelling Code; or

2 “(iv) A municipal penalty, other than an investigative fee, for making a
3 plumbing installation under the plumbing specialty code[, *the*] **or** Low-Rise
4 Residential Dwelling Code [*or the Small Home Specialty Code*] without a
5 permit.

6 **“SECTION 13.** ORS 455.610, as amended by section 6 of this 2019 Act, is
7 amended to read:

8 “455.610. (1) The Director of the Department of Consumer and Business
9 Services shall adopt, and amend as necessary, a Low-Rise Residential
10 Dwelling Code that[, *except as provided in section 2 of this 2019 Act,*] contains
11 all requirements, including structural design provisions, related to the con-
12 struction of residential dwellings three stories or less above grade. The code
13 provisions for plumbing and electrical requirements must be compatible with
14 other specialty codes adopted by the director. The Electrical and Elevator
15 Board, the Mechanical Board and the State Plumbing Board shall review,
16 respectively, amendments to the electrical, mechanical or plumbing pro-
17 visions of the code.

18 “(2) Changes or amendments to the code adopted under subsection (1) of
19 this section may be made when:

20 “(a) Required by geographic or climatic conditions unique to Oregon;

21 “(b) Necessary to be compatible with other statutory provisions;

22 “(c) Changes to the national codes are adopted in Oregon; or

23 “(d) Necessary to authorize the use of building materials and techniques
24 that are consistent with nationally recognized standards and building prac-
25 tices.

26 “(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the direc-
27 tor may, at any time following appropriate consultation with the Mechanical
28 Board or Building Codes Structures Board, amend the mechanical specialty
29 code or structural specialty code to ensure compatibility with the Low-Rise
30 Residential Dwelling Code.

1 “(4) The water conservation provisions for toilets, urinals, shower heads
2 and interior faucets adopted in the Low-Rise Residential Dwelling Code shall
3 be the same as those adopted under ORS 447.020 to meet the requirements
4 of ORS 447.145.

5 “(5) The Low-Rise Residential Dwelling Code shall be adopted and
6 amended as provided by ORS 455.030 and 455.110.

7 “(6) The director, by rule, shall establish uniform standards for a
8 municipality to allow an alternate method of construction to the require-
9 ments for one and two family dwellings built to the Low-Rise Residential
10 Dwelling Code [*or Small Home Specialty Code*] in areas where the local ju-
11 risdiction determines that the fire apparatus means of approach to a property
12 or water supply serving a property does not meet applicable fire code or state
13 building code requirements. The alternate method of construction, which may
14 include but is not limited to the installation of automatic fire sprinkler
15 systems, must be approved in conjunction with the approval of an application
16 under ORS 197.522.

17 “(7) For lots of record existing before July 2, 2001, or property that re-
18 ceives any approval for partition, subdivision or construction under ORS
19 197.522 before July 2, 2001, a municipality allowing an alternate method of
20 construction to the requirements for one and two family dwellings built to
21 the Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*] may
22 apply the uniform standards established by the director pursuant to sub-
23 section (6) of this section. For property that receives all approvals for par-
24 tition, subdivision or construction under ORS 197.522 on or after July 2, 2001,
25 a municipality allowing an alternate method of construction to the require-
26 ments for one and two family dwellings built to the Low-Rise Residential
27 Dwelling Code [*or Small Home Specialty Code*] must apply the uniform
28 standards established by the director pursuant to subsection (6) of this sec-
29 tion.

30 “**SECTION 14.** ORS 197.307, as amended by section 7 of this 2019 Act, is

1 amended to read:

2 “197.307. (1) The availability of affordable, decent, safe and sanitary
3 housing opportunities for persons of lower, middle and fixed income, includ-
4 ing housing for farmworkers, is a matter of statewide concern.

5 “(2) Many persons of lower, middle and fixed income depend on govern-
6 ment assisted housing as a source of affordable, decent, safe and sanitary
7 housing.

8 “(3) When a need has been shown for housing within an urban growth
9 boundary at particular price ranges and rent levels, needed housing shall be
10 permitted in one or more zoning districts or in zones described by some
11 comprehensive plans as overlay zones with sufficient buildable land to satisfy
12 that need.

13 “(4) Except as provided in subsection (6) of this section, a local govern-
14 ment may adopt and apply only clear and objective standards, conditions and
15 procedures regulating the development of housing, including needed housing.
16 The standards, conditions and procedures:

17 “(a) May include, but are not limited to, one or more provisions regulat-
18 ing the density or height of a development.

19 “(b) May not have the effect, either in themselves or cumulatively, of
20 discouraging needed housing through unreasonable cost or delay.

21 “(5) The provisions of subsection (4) of this section do not apply to:

22 “(a) An application or permit for residential development in an area
23 identified in a formally adopted central city plan, or a regional center as
24 defined by Metro, in a city with a population of 500,000 or more.

25 “(b) An application or permit for residential development in historic areas
26 designated for protection under a land use planning goal protecting historic
27 areas.

28 “(6) In addition to an approval process for needed housing based on clear
29 and objective standards, conditions and procedures as provided in subsection
30 (4) of this section, a local government may adopt and apply an alternative

1 approval process for applications and permits for residential development
2 based on approval criteria regulating, in whole or in part, appearance or
3 aesthetics that are not clear and objective if:

4 “(a) The applicant retains the option of proceeding under the approval
5 process that meets the requirements of subsection (4) of this section;

6 “(b) The approval criteria for the alternative approval process comply
7 with applicable statewide land use planning goals and rules; and

8 “(c) The approval criteria for the alternative approval process authorize
9 a density at or above the density level authorized in the zone under the ap-
10 proval process provided in subsection (4) of this section.

11 “(7) Subject to subsection (4) of this section, this section does not infringe
12 on a local government’s prerogative to:

13 “(a) Set approval standards under which a particular housing type is
14 permitted outright;

15 “(b) Impose special conditions upon approval of a specific development
16 proposal; or

17 “(c) Establish approval procedures.

18 “(8) In accordance with subsection (4) of this section and ORS 197.314, a
19 jurisdiction may adopt any or all of the following placement standards, or
20 any less restrictive standard, for the approval of manufactured homes located
21 outside mobile home parks:

22 “(a) The manufactured home shall be multisectional and enclose a space
23 of not less than 1,000 square feet.

24 “(b) The manufactured home shall be placed on an excavated and back-
25 filled foundation and enclosed at the perimeter such that the manufactured
26 home is located not more than 12 inches above grade.

27 “(c) The manufactured home shall have a pitched roof, except that no
28 standard shall require a slope of greater than a nominal three feet in height
29 for each 12 feet in width.

30 “(d) The manufactured home shall have exterior siding and roofing which

1 in color, material and appearance is similar to the exterior siding and roof-
2 ing material commonly used on residential dwellings within the community
3 or which is comparable to the predominant materials used on surrounding
4 dwellings as determined by the local permit approval authority.

5 “(e) The manufactured home shall be certified by the manufacturer to
6 have an exterior thermal envelope meeting performance standards which re-
7 duce levels equivalent to the performance standards required of single-family
8 dwellings constructed under the [*Low-Rise Residential Dwelling*] **state**
9 **building** code as defined in ORS 455.010.

10 “(f) The manufactured home shall have a garage or carport constructed
11 of like materials. A jurisdiction may require an attached or detached garage
12 in lieu of a carport where such is consistent with the predominant con-
13 struction of immediately surrounding dwellings.

14 “(g) In addition to the provisions in paragraphs (a) to (f) of this sub-
15 section, a city or county may subject a manufactured home and the lot upon
16 which it is sited to any development standard, architectural requirement and
17 minimum size requirement to which a conventional single-family residential
18 dwelling on the same lot would be subject.

19 **“SECTION 15.** ORS 446.003, as amended by section 8 of this 2019 Act, is
20 amended to read:

21 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
22 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
23 nitions apply, unless the context requires otherwise, or unless administration
24 and enforcement by the State of Oregon under the existing or revised Na-
25 tional Manufactured Housing Construction and Safety Standards Act would
26 be adversely affected, and except as provided in ORS 446.265:

27 “(1) ‘Accessory building or structure’ means any portable, demountable
28 or permanent structure established for use of the occupant of the manufac-
29 tured structure and as further defined by rule by the Director of the De-
30 partment of Consumer and Business Services.

1 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, re-
2 placement, modification or removal of any equipment or installation that
3 may affect the operation, construction or occupancy of a manufactured
4 structure.

5 “(b) ‘Alteration’ does not include:

6 “(A) Minor repairs with approved component parts;

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

9 “(C) Adjustment and maintenance of equipment; or

10 “(D) Replacement of equipment or accessories in kind.

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

13 “(4) ‘Board’ means the Residential and Manufactured Structures Board.

14 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
15 fabricated, or demountable, with two or more walls, used adjacent to and in
16 conjunction with a manufactured structure to provide additional living
17 space.

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

21 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-
22 factured structure in whole or in part from one type of vehicle or structure
23 to another.

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

28 “(9) ‘Department’ means the Department of Consumer and Business Ser-
29 vices.

30 “(10) ‘Director’ means the Director of the Department of Consumer and

1 Business Services.

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

4 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
5 tures, fittings and apparatuses used in the construction, plumbing, mechan-
6 ical and electrical systems of a manufactured structure.

7 “(13) ‘Federal manufactured housing construction and safety standard’
8 means a standard for construction, design and performance of a manufac-
9 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
10 opment pursuant to the federal National Manufactured Housing
11 Construction and Safety Standards Act of 1974 (Public Law 93-383).

12 “(14) ‘Fire Marshal’ means the State Fire Marshal.

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

15 “(16) ‘Insignia of compliance’ means:

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

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

20 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
21 partment of Consumer and Business Services or representatives as appointed
22 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
23 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

24 “(18) ‘Installation’ in relation to:

25 “(a) Construction means the arrangements and methods of construction,
26 fire and life safety, electrical, plumbing and mechanical equipment and sys-
27 tems within a manufactured structure.

28 “(b) Siting means the manufactured structure and cabana foundation
29 support and tiedown, the structural, fire and life safety, electrical, plumbing
30 and mechanical equipment and material connections and the installation of

1 skirting and temporary steps.

2 “(19) ‘Installer’ means any individual licensed by the director to install,
3 set up, connect, hook up, block, tie down, secure, support, install temporary
4 steps for, install skirting for or make electrical, plumbing or mechanical
5 connections to manufactured dwellings or cabanas or who provides consul-
6 tation or supervision for any of these activities, except architects registered
7 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to
8 672.325.

9 “(20) ‘Listed’ means equipment or materials included in a list, published
10 by an organization concerned with product evaluation acceptable to the de-
11 partment that maintains periodic inspection of production of listed equip-
12 ment or materials, and whose listing states either that the equipment or
13 materials meets appropriate standards or has been tested and found suitable
14 in a specified manner.

15 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manu-
16 factured dwelling park, mobile home park or recreation park that is desig-
17 nated or used for occupancy by one manufactured structure.

18 “(22)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home
19 or manufactured home.

20 “(b) ‘Manufactured dwelling’ does not include any building or structure
21 constructed to conform to the State of Oregon Structural Specialty Code[,]
22 **or** the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100
23 to 455.450 and 455.610 to 455.630 [*or the Small Home Specialty Code adopted*
24 *under section 2 of this 2019 Act*] or any unit identified as a recreational ve-
25 hicle by the manufacturer.

26 “(23) ‘Manufactured dwelling park’ means any place where four or more
27 manufactured dwellings are located within 500 feet of one another on a lot,
28 tract or parcel of land under the same ownership, the primary purpose of
29 which is to rent or lease space or keep space for rent or lease to any person
30 for a charge or fee paid or to be paid for the rental or lease or use of facil-

1 ities or to offer space free in connection with securing the trade or patronage
2 of such person. ‘Manufactured dwelling park’ does not include a lot or lots
3 located within a subdivision being rented or leased for occupancy by no more
4 than one manufactured dwelling per lot if the subdivision was approved by
5 the local government unit having jurisdiction under an ordinance adopted
6 pursuant to ORS 92.010 to 92.192.

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

13 “(b) For purposes of implementing any contract pertaining to manufac-
14 tured homes between the department and the federal government, ‘manufac-
15 tured home’ has the meaning given the term in the contract.

16 “(25)(a) ‘Manufactured structure’ means a recreational vehicle, manufac-
17 tured dwelling or recreational structure.

18 “(b) ‘Manufactured structure’ does not include any building or structure
19 regulated under the State of Oregon Structural Specialty Code[,] **or** the
20 Low-Rise Residential Dwelling Code [*or the Small Home Specialty Code*].

21 “(26) ‘Manufacturer’ means any person engaged in manufacturing, build-
22 ing, rebuilding, altering, converting or assembling manufactured structures
23 or equipment.

24 “(27) ‘Manufacturing’ means the building, rebuilding, altering or con-
25 verting of manufactured structures that bear or are required to bear an
26 Oregon insignia of compliance.

27 “(28) ‘Minimum safety standards’ means the plumbing, mechanical, elec-
28 trical, thermal, fire and life safety, structural and transportation standards
29 prescribed by rules adopted by the director.

30 “(29) ‘Mobile home’ means a structure constructed for movement on the

1 public highways that has sleeping, cooking and plumbing facilities, that is
2 intended for human occupancy, that is being used for residential purposes
3 and that was constructed between January 1, 1962, and June 15, 1976, and
4 met the construction requirements of Oregon mobile home law in effect at
5 the time of construction.

6 “(30) ‘Mobile home park’ means any place where four or more manufac-
7 tured structures are located within 500 feet of one another on a lot, tract
8 or parcel of land under the same ownership, the primary purpose of which
9 is to rent space or keep space for rent to any person for a charge or fee paid
10 or to be paid for the rental or use of facilities or to offer space free in con-
11 nection with securing the trade or patronage of such person. ‘Mobile home
12 park’ does not include a lot or lots located within a subdivision being rented
13 or leased for occupancy by no more than one manufactured dwelling per lot
14 if the subdivision was approved by the municipality unit having jurisdiction
15 under an ordinance adopted pursuant to ORS 92.010 to 92.192.

16 “(31) ‘Municipality’ means a city, county or other unit of local govern-
17 ment otherwise authorized by law to enact codes.

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

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

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

1 “(35) ‘Sale’ means rent, lease, sale or exchange.

2 “(36) ‘Skirting’ means a weather resistant material used to enclose the
3 space below the manufactured structure.

4 “(37) ‘Tiedown’ means any device designed to anchor a manufactured
5 structure securely to the ground.

6 “(38) ‘Transitional housing accommodations’ means accommodations de-
7 scribed under ORS 446.265.

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

10 **“SECTION 16. ORS 455.615 is repealed.**

11 **“SECTION 17. Section 2 of this 2019 Act is repealed.**

12 **“SECTION 18. Section 9 of this 2019 Act, the amendments to ORS
13 197.307, 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10 to 15
14 of this 2019 Act and the repeal of section 2 of this 2019 Act by section
15 17 of this 2019 Act become operative on January 2, 2026.**

16 **“SECTION 19. This 2019 Act takes effect on October 1, 2019.”.**

17
