

B-Engrossed
House Bill 2423

Ordered by the Senate May 17
Including House Amendments dated April 17 and Senate Amendments
dated May 17

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

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.

Adopts Small Home Specialty Code to regulate construction of homes not more than 400 square feet in size. Requires amendment of Low-Rise Residential Dwelling Code to provide that Small Home Specialty Code supersedes conflicting provisions of Low-Rise Residential Dwelling Code. **Authorizes municipal building official to alter, modify or waive specialty code requirements for small home if strict adherence to Small Home Specialty Code is impractical or infeasible.**

Requires that building permits and zoning permits for small home designate small home as single family project. Requires that certificate of occupancy for small home allow occupancy only for residential use as single family dwelling.

Specifies application of fire sprinkler **head and fire sprinkler system** design criteria to small homes. **Authorizes municipal building official to allow increased detection and occupant notification in lieu of fire sprinkler head or fire sprinkler system.** Requires that small home be built with [*listed heat detector unit alarm or*] listed photoelectric smoke alarm.

Sunset Small Home Specialty Code and small home fire sprinkler design[, *heat detector*] and smoke alarm provisions on January 2, 2026.

Takes effect October 1, 2019.

A BILL FOR AN ACT

1
2 Relating to small homes; creating new provisions; amending ORS 197.307, 446.003, 455.010, 455.135,
3 455.156 and 455.610; repealing ORS 455.615; and prescribing an effective date.

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

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

7 **SECTION 2. (1) As used in this section, "small home" means a single family residence**
8 **that is not more than 400 square feet in size.**

9 **(2) Notwithstanding ORS 455.020 and 455.030, the 2018 International Residential Code, in-**
10 **cluding but not limited to Appendix Q of that code, is adopted as a Small Home Specialty**
11 **Code applicable to the construction of a small home.**

12 **(3) Notwithstanding ORS 455.035 and 455.110, the Director of the Department of Con-**
13 **sumer and Business Services shall amend the Low-Rise Residential Dwelling Code as neces-**
14 **sary to ensure that for a small home the technical provisions of the Small Home Specialty**
15 **Code adopted under this section supersede any conflicting technical provisions of the Low-**
16 **Rise Residential Dwelling Code.**

17 **(4) Notwithstanding ORS 455.020 and 455.030, and subject to section 9 of this 2019 Act, the**
18 **director may not adopt rules amending the Small Home Specialty Code. The director may**
19 **report recommendations for amendment of the Small Home Specialty Code to an interim or**

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.

1 regular committee of the Legislative Assembly related to business, in the manner provided
2 under ORS 192.245.

3 (5) A small home must be constructed with at least one listed photoelectric smoke alarm.
4 The alarm must be installed and located in accordance with the listing requirements specified
5 by the manufacturer, as determined by the Department of Consumer and Business Services
6 or the State Fire Marshal.

7 (6) Each small home shall be considered a single compartment for purposes of residential
8 fire sprinkler design. The design calculation for a small home sprinkler system shall consider
9 a maximum of two fire sprinklers. The fire sprinklers shall have a maximum combined design
10 flow that is less than 20 gallons per minute and be served by a water meter of the standard
11 default size for the area where the home is being sited. The residential fire sprinklers in a
12 small home shall, for coverage purposes, be located according to the location requirements
13 of the installation standard referenced in the 2018 International Residential Code.

14 (7) A municipal building official may allow increased detection and occupant notification,
15 including the installation of heat detector unit alarms, in lieu of a fire sprinkler head for
16 coverage purposes or in lieu of a fire sprinkler system. A building official may allow a re-
17 placement under this subsection without establishing that the increased detection and occu-
18 pant notification is equivalent to a replaced sprinkler head or sprinkler system.

19 (8) A building official may alter, modify or waive any specialty code requirement for a
20 small home when strict adherence to the Small Home Specialty Code is impractical or in-
21 feasible.

22 (9) The building permits and zoning permits for a small home shall designate the small
23 home as a single family project. The certificate of occupancy for a small home may allow
24 occupancy of the home only for residential use as a single family dwelling.

25 **SECTION 3.** ORS 455.010 is amended to read:

26 455.010. As used in this chapter, unless the context requires otherwise:

27 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
28 amendment or administration of a specialty code, specifically:

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

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

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

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

33 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

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

35 (G) The Construction Industry Energy Board established under ORS 455.492.

36 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
37 ular code, standard, license, certification or matter.

38 (2) "Department" means the Department of Consumer and Business Services.

39 (3) "Director" means the Director of the Department of Consumer and Business Services.

40 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code [*prescribing*] **that,**
41 **subject to section 2 of this 2019 Act, prescribes** standards for the construction of residential
42 dwellings that are three stories or less above grade and have an exterior door for each dwelling
43 unit, but are not facilities or homes described in ORS 443.400 or transient lodging.

44 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
45 by law to administer a building code.

1 (6) “Prefabricated structure”:

2 (a) Means a building or subassembly that has been in whole or substantial part manufactured
3 or assembled using closed construction at an off-site location to be wholly or partially assembled
4 on-site. [*Prefabricated structure* does not include]

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

8 (7) **“Small Home Specialty Code” means the specialty code adopted under section 2 of this**
9 **2019 Act.**

10 [(7)] (8) “Specialty code”:

11 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),
12 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 **or section 2 of this 2019 Act.**[, *but*
13 *does not include*]

14 (b) **Does not mean** regulations adopted by the State Fire Marshal pursuant to ORS chapter 476
15 or ORS 479.015 to 479.200 and 479.210 to 479.220.

16 [(8)] (9) “State building code” means the combined specialty codes.

17 [(9)] (10) “Structural code” means the specialty code prescribing structural standards for build-
18 ing construction.

19 [(10)] (11) “Unsafe condition” means a condition caused by earthquake which is determined by
20 the department or any representative of the department to be dangerous to life and property. “Un-
21 safe condition” includes but is not limited to:

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

24 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
25 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
26 building is substantially less than it was prior to the earthquake.

27 **SECTION 4.** ORS 455.135 is amended to read:

28 455.135. (1) There is established a Residential and Manufactured Structures Board consisting of
29 11 members appointed by the Governor.

30 (2) The members of the board shall assist the Director of the Department of Consumer and
31 Business Services in administering the low-rise residential dwelling program **and Small Home**
32 **Specialty Code** described in this chapter.

33 (3) The board must consist of:

34 (a) One contractor specializing in the construction of residential structures;

35 (b) One contractor specializing in the remodeling of residential structures;

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

37 (d) One home designer or architect;

38 (e) One building official;

39 (f) One representative of residential building trade subcontractors;

40 (g) One structural engineer;

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

42 (i) One manufacturer of manufactured dwellings;

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

44 (k) One public member who does not receive compensation from any interest represented under
45 paragraphs (a) to (j) of this subsection.

1 **SECTION 5.** ORS 455.156 is amended to read:

2 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS
3 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and
4 Business Services shall carry out the provisions of this section.

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

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

15 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150
16 may investigate violations and enforce any provisions of the program administered by the municipi-
17 pality.

18 (3) The department shall establish:

19 (a) Procedures, forms and standards to carry out the provisions of this section, including but
20 not limited to creating preprinted notices of proposed assessment of penalties that can be completed
21 and served by municipal inspectors;

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

27 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-
28 censing requirement. The process may include but need not be limited to all program areas admin-
29 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for
30 checking license status and issuing citations for violation of a licensing requirement, and a con-
31 sistent basis for enforcement of licensing requirements and treatment of violations, including fine
32 amounts;

33 (d) A program to provide a division of the moneys recovered by the department with the
34 municipality that initiated the charges, when a person charged with a violation as provided in sub-
35 section (2) of this section, other than a violation of a licensing requirement, requests a hearing and
36 is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The de-
37 partment shall keep an amount equal to its costs of processing the proceeding and collection ex-
38 penses out of the remaining one-half and remit the balance, if any, to the municipality; and

39 (e) A program to require municipalities to investigate violations of the department's permit re-
40 quirements for plumbing installations and services under the plumbing specialty code and for
41 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code **or**
42 **Small Home Specialty Code**, and to:

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

45 (B) Pay the agents of the boards out of net civil penalty recoveries as if the recoveries were

1 under paragraphs (b) and (d) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

32 **SECTION 6.** ORS 455.610 is amended to read:

33 455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and
34 amend as necessary, a Low-Rise Residential Dwelling Code that, **except as provided in section 2**
35 **of this 2019 Act**, contains all requirements, including structural design provisions, related to the
36 construction of residential dwellings three stories or less above grade. The code provisions for
37 plumbing and electrical requirements must be compatible with other specialty codes adopted by the
38 director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board
39 shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the
40 code.

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

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

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

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

1 (d) Necessary to authorize the use of building materials and techniques that are consistent with
2 nationally recognized standards and building practices.

3 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time
4 following appropriate consultation with the Mechanical Board or Building Codes Structures Board,
5 amend the mechanical specialty code or structural specialty code to ensure compatibility with the
6 Low-Rise Residential Dwelling Code.

7 (4) The water conservation provisions for toilets, urinals, shower heads and interior faucets
8 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS
9 447.020 to meet the requirements of ORS 447.145.

10 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS
11 455.030 and 455.110.

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

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

30 **SECTION 7.** ORS 197.307 is amended to read:

31 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
32 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-
33 wide concern.

34 (2) Many persons of lower, middle and fixed income depend on government assisted housing as
35 a source of affordable, decent, safe and sanitary housing.

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

40 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply
41 only clear and objective standards, conditions and procedures regulating the development of hous-
42 ing, including needed housing. The standards, conditions and procedures:

43 (a) May include, but are not limited to, one or more provisions regulating the density or height
44 of a development.

45 (b) May not have the effect, either in themselves or cumulatively, of discouraging needed hous-

1 ing through unreasonable cost or delay.

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

3 (a) An application or permit for residential development in an area identified in a formally
4 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
5 500,000 or more.

6 (b) An application or permit for residential development in historic areas designated for pro-
7 tection under a land use planning goal protecting historic areas.

8 (6) In addition to an approval process for needed housing based on clear and objective standards,
9 conditions and procedures as provided in subsection (4) of this section, a local government may
10 adopt and apply an alternative approval process for applications and permits for residential devel-
11 opment based on approval criteria regulating, in whole or in part, appearance or aesthetics that are
12 not clear and objective if:

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

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

17 (c) The approval criteria for the alternative approval process authorize a density at or above
18 the density level authorized in the zone under the approval process provided in subsection (4) of this
19 section.

20 (7) Subject to subsection (4) of this section, this section does not infringe on a local
21 government's prerogative to:

22 (a) Set approval standards under which a particular housing type is permitted outright;

23 (b) Impose special conditions upon approval of a specific development proposal; or

24 (c) Establish approval procedures.

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

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

30 (b) The manufactured home shall be placed on an excavated and back-filled foundation and en-
31 closed at the perimeter such that the manufactured home is located not more than 12 inches above
32 grade.

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

35 (d) The manufactured home shall have exterior siding and roofing which in color, material and
36 appearance is similar to the exterior siding and roofing material commonly used on residential
37 dwellings within the community or which is comparable to the predominant materials used on sur-
38 rounding dwellings as determined by the local permit approval authority.

39 (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal
40 envelope meeting performance standards which reduce levels equivalent to the performance stan-
41 dards required of single-family dwellings constructed under the [state building] **Low-Rise Residen-**
42 **tial Dwelling** Code as defined in ORS 455.010.

43 (f) The manufactured home shall have a garage or carport constructed of like materials. A ju-
44 risdiction may require an attached or detached garage in lieu of a carport where such is consistent
45 with the predominant construction of immediately surrounding dwellings.

1 (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may
2 subject a manufactured home and the lot upon which it is sited to any development standard, ar-
3 chitectural requirement and minimum size requirement to which a conventional single-family resi-
4 dential dwelling on the same lot would be subject.

5 **SECTION 8.** ORS 446.003 is amended to read:

6 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
7 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
8 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
9 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
10 affected, and except as provided in ORS 446.265:

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

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

17 (b) "Alteration" does not include:

18 (A) Minor repairs with approved component parts;

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

20 (C) Adjustment and maintenance of equipment; or

21 (D) Replacement of equipment or accessories in kind.

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

24 (4) "Board" means the Residential and Manufactured Structures Board.

25 (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demount-
26 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to
27 provide additional living space.

28 (6) "Certification" means an evaluation process by which the department verifies a
29 manufacturer's ability to produce manufactured structures to the department rules and to the de-
30 partment approved quality control manual.

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

33 (8) "Dealer" means any person engaged in the business of selling, leasing or distributing manu-
34 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease
35 manufactured structures or equipment, or both, for purposes other than resale.

36 (9) "Department" means the Department of Consumer and Business Services.

37 (10) "Director" means the Director of the Department of Consumer and Business Services.

38 (11) "Distributor" means any person engaged in selling and distributing manufactured structures
39 or equipment for resale.

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

43 (13) "Federal manufactured housing construction and safety standard" means a standard for
44 construction, design and performance of a manufactured dwelling promulgated by the Secretary of
45 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-

1 construction and Safety Standards Act of 1974 (Public Law 93-383).

2 (14) "Fire Marshal" means the State Fire Marshal.

3 (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe
4 personal injury.

5 (16) "Insignia of compliance" means:

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

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

9 (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer
10 and Business Services or representatives as appointed or authorized to administer and enforce pro-
11 visions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this sec-
12 tion.

13 (18) "Installation" in relation to:

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

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

19 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook
20 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
21 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
22 consultation or supervision for any of these activities, except architects registered under ORS
23 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

24 (20) "Listed" means equipment or materials included in a list, published by an organization
25 concerned with product evaluation acceptable to the department that maintains periodic inspection
26 of production of listed equipment or materials, and whose listing states either that the equipment
27 or materials meets appropriate standards or has been tested and found suitable in a specified man-
28 ner.

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

32 (22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

33 (b) "Manufactured dwelling" does not include any building or structure constructed to conform
34 to the State of Oregon Structural Specialty Code, [or] the Low-Rise Residential Dwelling Code
35 adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 **or the Small Home Specialty**
36 **Code adopted under section 2 of this 2019 Act** or any unit identified as a recreational vehicle by
37 the manufacturer.

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

1 to 92.192.

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

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

10 (25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recre-
11 ational structure.

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

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

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

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

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

26 (30) "Mobile home park" means any place where four or more manufactured structures are lo-
27 cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the
28 primary purpose of which is to rent space or keep space for rent to any person for a charge or fee
29 paid or to be paid for the rental or use of facilities or to offer space free in connection with securing
30 the trade or patronage of such person. "Mobile home park" does not include a lot or lots located
31 within a subdivision being rented or leased for occupancy by no more than one manufactured
32 dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under
33 an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

43 (34) "Residential trailer" means a structure constructed for movement on the public highways
44 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is
45 being used for residential purposes 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 space below the manu-
3 factured structure.

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

6 (38) "Transitional housing accommodations" means accommodations described under ORS
7 446.265.

8 (39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manu-
9 factured structure.

10 **SECTION 9. (1) As used in this section, "small home" means a dwelling that is not more**
11 **than 400 square feet in size.**

12 **(2) The Director of the Department of Consumer and Business Services shall adopt con-**
13 **struction standards for small homes for incorporation into the state building code. The con-**
14 **struction standards for small homes must include, but need not be limited to, standards that:**

15 **(a) Allow sleeping lofts; and**

16 **(b) Allow the use of ladders or alternate tread devices as the primary means of egress**
17 **from a sleeping loft.**

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

19 455.010. As used in this chapter, unless the context requires otherwise:

20 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
21 amendment or administration of a specialty code, specifically:

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

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

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

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

26 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

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

28 (G) The Construction Industry Energy Board established under ORS 455.492.

29 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
30 ular code, standard, license, certification or matter.

31 (2) "Department" means the Department of Consumer and Business Services.

32 (3) "Director" means the Director of the Department of Consumer and Business Services.

33 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code [*that, subject to*
34 *section 2 of this 2019 Act, prescribes*] **prescribing** standards for the construction of residential
35 dwellings that are three stories or less above grade and have an exterior door for each dwelling
36 unit, but are not facilities or homes described in ORS 443.400 or transient lodging.

37 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
38 by law to administer a building code.

39 (6) "Prefabricated structure":

40 (a) means a building or subassembly that has been in whole or substantial part manufactured
41 or assembled using closed construction at an off-site location to be wholly or partially assembled
42 on-site.

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

45 [(7) "*Small Home Specialty Code*" means the specialty code adopted under section 2 of this 2019

1 Act.]

2 [(8)] (7) “Specialty code”:

3 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),
4 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 [or section 2 of this 2019 Act].

5 (b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476
6 or ORS 479.015 to 479.200 and 479.210 to 479.220.

7 [(9)] (8) “State building code” means the combined specialty codes.

8 [(10)] (9) “Structural code” means the specialty code prescribing structural standards for build-
9 ing construction.

10 [(11)] (10) “Unsafe condition” means a condition caused by earthquake which is determined by
11 the department or any representative of the department to be dangerous to life and property. “Un-
12 safe condition” includes but is not limited to:

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

15 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
16 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
17 building is substantially less than it was prior to the earthquake.

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

19 455.135. (1) There is established a Residential and Manufactured Structures Board consisting of
20 11 members appointed by the Governor.

21 (2) The members of the board shall assist the Director of the Department of Consumer and
22 Business Services in administering the low-rise residential dwelling program [and *Small Home Spe-*
23 *cialty Code*] described in this chapter.

24 (3) The board must consist of:

25 (a) One contractor specializing in the construction of residential structures;

26 (b) One contractor specializing in the remodeling of residential structures;

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

28 (d) One home designer or architect;

29 (e) One building official;

30 (f) One representative of residential building trade subcontractors;

31 (g) One structural engineer;

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

33 (i) One manufacturer of manufactured dwellings;

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

35 (k) One public member who does not receive compensation from any interest represented under
36 paragraphs (a) to (j) of this subsection.

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

38 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS
39 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and
40 Business Services shall carry out the provisions of this section.

41 (2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a
42 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty
43 code[, *the*] or Low-Rise Residential Dwelling Code [or *the Small Home Specialty Code*] may act on
44 behalf of the State Plumbing Board to investigate violations of and enforce ORS 447.040, 693.030 and
45 693.040 and to issue notices of proposed assessment of civil penalties for those violations.

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

6 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150
7 may investigate violations and enforce any provisions of the program administered by the munic-
8 pality.

9 (3) The department shall establish:

10 (a) Procedures, forms and standards to carry out the provisions of this section, including but
11 not limited to creating preprinted notices of proposed assessment of penalties that can be completed
12 and served by municipal inspectors;

13 (b) A program to provide that all of the moneys recovered by the department, less collection
14 expenses, be paid to the municipality that initiated the charges when a person charged with a vio-
15 lation as provided in subsection (2) of this section, other than a violation of a licensing requirement,
16 agrees to the entry of an assessment of civil penalty or does not request a hearing, and an order
17 assessing a penalty is entered against the person;

18 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-
19 censing requirement. The process may include but need not be limited to all program areas admin-
20 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for
21 checking license status and issuing citations for violation of a licensing requirement, and a con-
22 sistent basis for enforcement of licensing requirements and treatment of violations, including fine
23 amounts;

24 (d) A program to provide a division of the moneys recovered by the department with the
25 municipality that initiated the charges, when a person charged with a violation as provided in sub-
26 section (2) of this section, other than a violation of a licensing requirement, requests a hearing and
27 is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The de-
28 partment shall keep an amount equal to its costs of processing the proceeding and collection ex-
29 penses out of the remaining one-half and remit the balance, if any, to the municipality; and

30 (e) A program to require municipalities to investigate violations of the department's permit re-
31 quirements for plumbing installations and services under the plumbing specialty code and for
32 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code
33 [*or Small Home Specialty Code*], and to:

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

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

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

40 (5)(a) It shall be a defense for any person charged with a penalty for violation of a building in-
41 spection program permit requirement covering plumbing installations under the plumbing specialty
42 code, electrical permit requirements under ORS 479.550 or plumbing or electrical requirements un-
43 der the Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*] that the person was
44 previously penalized for the same occurrence.

45 (b) A building inspection program permit requirement is a requirement contained in a specialty

1 code or municipal ordinance or rule requiring a permit before the particular installations covered
2 by the codes are commenced.

3 (c) A penalty for the same occurrence includes a combination of two or more of the following
4 that are based on the same plumbing or electrical installation:

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

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

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

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

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

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

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

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

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

24 455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and
25 amend as necessary, a Low-Rise Residential Dwelling Code that[, *except as provided in section 2 of*
26 *this 2019 Act,*] contains all requirements, including structural design provisions, related to the con-
27 struction of residential dwellings three stories or less above grade. The code provisions for plumbing
28 and electrical requirements must be compatible with other specialty codes adopted by the director.
29 The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall re-
30 view, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

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

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

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

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

36 (d) Necessary to authorize the use of building materials and techniques that are consistent with
37 nationally recognized standards and building practices.

38 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time
39 following appropriate consultation with the Mechanical Board or Building Codes Structures Board,
40 amend the mechanical specialty code or structural specialty code to ensure compatibility with the
41 Low-Rise Residential Dwelling Code.

42 (4) The water conservation provisions for toilets, urinals, shower heads and interior faucets
43 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS
44 447.020 to meet the requirements of ORS 447.145.

45 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS

1 455.030 and 455.110.

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

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

20 **SECTION 14.** ORS 197.307, as amended by section 7 of this 2019 Act, is amended to read:

21 197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for
22 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-
23 wide concern.

24 (2) Many persons of lower, middle and fixed income depend on government assisted housing as
25 a source of affordable, decent, safe and sanitary housing.

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

30 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply
31 only clear and objective standards, conditions and procedures regulating the development of hous-
32 ing, including needed housing. The standards, conditions and procedures:

33 (a) May include, but are not limited to, one or more provisions regulating the density or height
34 of a development.

35 (b) May not have the effect, either in themselves or cumulatively, of discouraging needed hous-
36 ing through unreasonable cost or delay.

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

38 (a) An application or permit for residential development in an area identified in a formally
39 adopted central city plan, or a regional center as defined by Metro, in a city with a population of
40 500,000 or more.

41 (b) An application or permit for residential development in historic areas designated for pro-
42 tection under a land use planning goal protecting historic areas.

43 (6) In addition to an approval process for needed housing based on clear and objective standards,
44 conditions and procedures as provided in subsection (4) of this section, a local government may
45 adopt and apply an alternative approval process for applications and permits for residential devel-

1 opment based on approval criteria regulating, in whole or in part, appearance or aesthetics that are
2 not clear and objective if:

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

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

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

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

12 (a) Set approval standards under which a particular housing type is permitted outright;

13 (b) Impose special conditions upon approval of a specific development proposal; or

14 (c) Establish approval procedures.

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

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

20 (b) The manufactured home shall be placed on an excavated and back-filled foundation and en-
21 closed at the perimeter such that the manufactured home is located not more than 12 inches above
22 grade.

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

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

29 (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal
30 envelope meeting performance standards which reduce levels equivalent to the performance stan-
31 dards required of single-family dwellings constructed under the [*Low-Rise Residential Dwelling*]
32 **state building** code as defined in ORS 455.010.

33 (f) The manufactured home shall have a garage or carport constructed of like materials. A ju-
34 risdiction may require an attached or detached garage in lieu of a carport where such is consistent
35 with the predominant construction of immediately surrounding dwellings.

36 (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may
37 subject a manufactured home and the lot upon which it is sited to any development standard, ar-
38 chitectural requirement and minimum size requirement to which a conventional single-family resi-
39 dential dwelling on the same lot would be subject.

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

41 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
42 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
43 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
44 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
45 affected, and except as provided in ORS 446.265:

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

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

7 (b) "Alteration" does not include:

8 (A) Minor repairs with approved component parts;

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

10 (C) Adjustment and maintenance of equipment; or

11 (D) Replacement of equipment or accessories in kind.

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

14 (4) "Board" means the Residential and Manufactured Structures Board.

15 (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demount-
16 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to
17 provide additional living space.

18 (6) "Certification" means an evaluation process by which the department verifies a
19 manufacturer's ability to produce manufactured structures to the department rules and to the de-
20 partment approved quality control manual.

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

23 (8) "Dealer" means any person engaged in the business of selling, leasing or distributing manu-
24 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease
25 manufactured structures or equipment, or both, for purposes other than resale.

26 (9) "Department" means the Department of Consumer and Business Services.

27 (10) "Director" means the Director of the Department of Consumer and Business Services.

28 (11) "Distributor" means any person engaged in selling and distributing manufactured structures
29 or equipment for resale.

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

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

37 (14) "Fire Marshal" means the State Fire Marshal.

38 (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe
39 personal injury.

40 (16) "Insignia of compliance" means:

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

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

44 (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer
45 and Business Services or representatives as appointed or authorized to administer and enforce pro-

1 visions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this sec-
2 tion.

3 (18) "Installation" in relation to:

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

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

9 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook
10 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
11 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
12 consultation or supervision for any of these activities, except architects registered under ORS
13 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

14 (20) "Listed" means equipment or materials included in a list, published by an organization
15 concerned with product evaluation acceptable to the department that maintains periodic inspection
16 of production of listed equipment or materials, and whose listing states either that the equipment
17 or materials meets appropriate standards or has been tested and found suitable in a specified man-
18 ner.

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

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

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

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

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

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

45 (25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recre-

1 ational structure.

2 (b) "Manufactured structure" does not include any building or structure regulated under the
3 State of Oregon Structural Specialty Code[,] **or** the Low-Rise Residential Dwelling Code [*or the*
4 *Small Home Specialty Code*].

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

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

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

11 (29) "Mobile home" means a structure constructed for movement on the public highways that
12 has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being
13 used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976,
14 and met the construction requirements of Oregon mobile home law in effect at the time of con-
15 struction.

16 (30) "Mobile home park" means any place where four or more manufactured structures are lo-
17 cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the
18 primary purpose of which is to rent space or keep space for rent to any person for a charge or fee
19 paid or to be paid for the rental or use of facilities or to offer space free in connection with securing
20 the trade or patronage of such person. "Mobile home park" does not include a lot or lots located
21 within a subdivision being rented or leased for occupancy by no more than one manufactured
22 dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under
23 an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

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

36 (35) "Sale" means rent, lease, sale or exchange.

37 (36) "Skirting" means a weather resistant material used to enclose the space below the manu-
38 factured structure.

39 (37) "Tiedown" means any device designed to anchor a manufactured structure securely to the
40 ground.

41 (38) "Transitional housing accommodations" means accommodations described under ORS
42 446.265.

43 (39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manu-
44 factured structure.

45 **SECTION 16. ORS 455.615 is repealed.**

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

2 **SECTION 18.** Section 9 of this 2019 Act, the amendments to ORS 197.307, 446.003, 455.010,
3 455.135, 455.156 and 455.610 by sections 10 to 15 of this 2019 Act and the repeal of section 2
4 of this 2019 Act by section 17 of this 2019 Act become operative on January 2, 2026.

5 **SECTION 19.** This 2019 Act takes effect on October 1, 2019.

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