

## HOUSE AMENDMENTS TO HOUSE BILL 2423

By COMMITTEE ON BUSINESS AND LABOR

April 17

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

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

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

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

9 **“(3) Notwithstanding ORS 455.035 and 455.110, the Director of the Department of Con-**  
10 **sumer and Business Services shall amend the Low-Rise Residential Dwelling Code as neces-**  
11 **sary to ensure that for a small home the provisions of the Small Home Specialty Code**  
12 **adopted under this section supersede any conflicting provisions of the Low-Rise Residential**  
13 **Dwelling Code. Except to the extent superseded by the Small Home Specialty Code, the con-**  
14 **struction of a small home is governed by the Low-Rise Residential Dwelling Code. Specialty**  
15 **code provisions that conflict with the Small Home Specialty Code or with the Low-Rise Res-**  
16 **idential Dwelling Code do not apply to a small home.**

17 **“(4) Notwithstanding ORS 455.020 and 455.030, the director may not adopt rules amending**  
18 **the Small Home Specialty Code. The director may report recommendations for amendment**  
19 **of the Small Home Specialty Code to an interim or regular committee of the Legislative As-**  
20 **sembly related to business, in the manner provided under ORS 192.245.**

21 **“(5) Each small home shall be considered a single compartment for purposes of residen-**  
22 **tial fire sprinkler design. The design calculation for a small home sprinkler system shall**  
23 **consider a maximum of two fire sprinklers. The residential fire sprinklers in a small home**  
24 **shall be located according to the location requirements of the installation standard refer-**  
25 **enced in the state building code.**

26 **“(6) A small home must be built with a listed heat detector unit alarm or a listed pho-**  
27 **toelectric smoke alarm. The alarm must be installed and located according to the listing re-**  
28 **quirements specified by the manufacturer, as determined by the Department of Consumer**  
29 **and Business Services or the State Fire Marshal, and may be an alternative or addition to**  
30 **the installation of a second residential fire sprinkler.**

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

32 **“455.010. As used in this chapter, unless the context requires otherwise:**

33 **“(1)(a) ‘Advisory board’ means the board with responsibility for assisting in the adoption,**  
34 **amendment or administration of a specialty code, specifically:**

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

1 “(B) The Electrical and Elevator Board established under ORS 455.138;  
2 “(C) The State Plumbing Board established under ORS 693.115;  
3 “(D) The Board of Boiler Rules established under ORS 480.535;  
4 “(E) The Residential and Manufactured Structures Board established under ORS 455.135;  
5 “(F) The Mechanical Board established under ORS 455.140; or  
6 “(G) The Construction Industry Energy Board established under ORS 455.492.  
7 “(b) ‘Appropriate advisory board’ means the advisory board that has jurisdiction over a partic-  
8 ular code, standard, license, certification or matter.  
9 “(2) ‘Department’ means the Department of Consumer and Business Services.  
10 “(3) ‘Director’ means the Director of the Department of Consumer and Business Services.  
11 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty code [*prescribing*] **that,**  
12 **subject to section 2 of this 2019 Act, prescribes** standards for the construction of residential  
13 dwellings that are three stories or less above grade and have an exterior door for each dwelling  
14 unit, but are not facilities or homes described in ORS 443.400 or transient lodging.  
15 “(5) ‘Municipality’ means a city, county or other unit of local government otherwise authorized  
16 by law to administer a building code.  
17 “(6) ‘Prefabricated structure’:  
18 “(a) Means a building or subassembly that has been in whole or substantial part manufactured  
19 or assembled using closed construction at an off-site location to be wholly or partially assembled  
20 on-site. [*Prefabricated structure’ does not include*]  
21 “(b) **Does not mean** a manufactured dwelling, recreational structure or recreational vehicle[,]  
22 as those terms are defined in ORS 446.003 **or a small home as defined in section 2 of this 2019**  
23 **Act.**  
24 “(7) **‘Small Home Specialty Code’ means the specialty code adopted under section 2 of this**  
25 **2019 Act.**  
26 “[7] (8) ‘Specialty code’:  
27 “(a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),  
28 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 **or section 2 of this 2019 Act.** [*but*  
29 *does not include*]  
30 “(b) **Does not mean** regulations adopted by the State Fire Marshal pursuant to ORS chapter  
31 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.  
32 “[8] (9) ‘State building code’ means the combined specialty codes.  
33 “[9] (10) ‘Structural code’ means the specialty code prescribing structural standards for build-  
34 ing construction.  
35 “[10] (11) ‘Unsafe condition’ means a condition caused by earthquake which is determined by  
36 the department or any representative of the department to be dangerous to life and property. ‘Un-  
37 safe condition’ includes but is not limited to:  
38 “(a) Any portion, member or appurtenance of a building that has become detached or dislodged  
39 or appears likely to fail or collapse and thereby injure persons or damage property; or  
40 “(b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or  
41 explosion resulting from an earthquake, to the extent that the structural strength or stability of the  
42 building is substantially less than it was prior to the earthquake.  
43 “**SECTION 4.** ORS 455.135 is amended to read:  
44 “455.135. (1) There is established a Residential and Manufactured Structures Board consisting  
45 of 11 members appointed by the Governor.

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

4 “(3) The board must consist of:

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

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

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

9 “(d) One home designer or architect;

10 “(e) One building official;

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

12 “(g) One structural engineer;

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

14 “(i) One manufacturer of manufactured dwellings;

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

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

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

19 “455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS  
20 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and  
21 Business Services shall carry out the provisions of this section.

22 “(2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a  
23 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty  
24 code, [or] **the Low-Rise Residential Dwelling Code or the Small Home Specialty Code** may act on  
25 behalf of the State Plumbing Board to investigate violations of and enforce ORS 447.040, 693.030 and  
26 693.040 and to issue notices of proposed assessment of civil penalties for those violations.

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

32 “(c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150  
33 may investigate violations and enforce any provisions of the program administered by the munici-  
34 pality.

35 “(3) The department shall establish:

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

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

44 “(c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-  
45 censing requirement. The process may include but need not be limited to all program areas admin-

1 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for  
2 checking license status and issuing citations for violation of a licensing requirement, and a con-  
3 sistent basis for enforcement of licensing requirements and treatment of violations, including fine  
4 amounts;

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

11 “(e) A program to require municipalities to investigate violations of the department’s permit  
12 requirements for plumbing installations and services under the plumbing specialty code and for  
13 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code **or**  
14 **Small Home Specialty Code**, and to:

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

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

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

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

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

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

31 “(A)(i) An investigative or other fee added to an electrical permit fee when a permit was ob-  
32 tained after the electrical installation was started;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           “(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS  
28 455.030 and 455.110.

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

37           “(7) For lots of record existing before July 2, 2001, or property that receives any approval for  
38 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing  
39 an alternate method of construction to the requirements for one and two family dwellings built to  
40 the Low-Rise Residential Dwelling Code **or Small Home Specialty Code** may apply the uniform  
41 standards established by the director pursuant to subsection (6) of this section. For property that  
42 receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July  
43 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and  
44 two family dwellings built to the Low-Rise Residential Dwelling Code **or Small Home Specialty**  
45 **Code** must apply the uniform standards established by the director pursuant to subsection (6) of this

1 section.

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

3 “197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for  
4 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-  
5 wide concern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 “(c) Establish approval procedures.

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

45 “(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000

1 square feet.

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

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

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

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

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

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

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

23 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
24 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
25 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
26 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
27 affected, and except as provided in ORS 446.265:

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

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

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

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

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

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

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

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

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

42 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-  
43 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to  
44 provide additional living space.

45 “(6) ‘Certification’ means an evaluation process by which the department verifies a

1 manufacturer's ability to produce manufactured structures to the department rules and to the de-  
2 partment approved quality control manual.

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

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

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

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

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

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

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

19 "(14) 'Fire Marshal' means the State Fire Marshal.

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

22 "(16) 'Insignia of compliance' means:

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

24 "(b) For all other manufactured structures, the insignia issued by this state indicating compli-  
25 ance with state law.

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

29 "(18) 'Installation' in relation to:

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

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

35 "(19) 'Installer' means any individual licensed by the director to install, set up, connect, hook  
36 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-  
37 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides  
38 consultation or supervision for any of these activities, except architects registered under ORS  
39 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

45 "(21) 'Lot' means any space, area or tract of land, or portion of a manufactured dwelling park,



1 mobile home park or recreation park that is designated or used for occupancy by one manufactured  
2 structure.

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

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

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

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

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

26 “(25)(a) ‘Manufactured structure’ means a recreational vehicle, manufactured dwelling or recre-  
27 ational structure.

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

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

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

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

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

42 “(30) ‘Mobile home park’ means any place where four or more manufactured structures are lo-  
43 cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the  
44 primary purpose of which is to rent space or keep space for rent to any person for a charge or fee  
45 paid or to be paid for the rental or use of facilities or to offer space free in connection with securing

1 the trade or patronage of such person. 'Mobile home park' does not include a lot or lots located  
2 within a subdivision being rented or leased for occupancy by no more than one manufactured  
3 dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under  
4 an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

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

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

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

20 "(37) 'Tiedown' means any device designed to anchor a manufactured structure securely to the  
21 ground.

22 "(38) 'Transitional housing accommodations' means accommodations described under ORS  
23 446.265.

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

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

28 "**(2) The Director of the Department of Consumer and Business Services shall adopt  
29 construction standards for small homes for incorporation into the state building code. The  
30 construction standards for small homes must include, but need not be limited to, standards  
31 that:**

32 "**(a) Allow sleeping lofts; and**

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

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

36 "455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

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

1 “(b) ‘Appropriate advisory board’ means the advisory board that has jurisdiction over a partic-  
2 ular code, standard, license, certification or matter.

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

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

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

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

11 “(6) ‘Prefabricated structure’:

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

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

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

19 “[~~(8)~~] (7) ‘Specialty code’:

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

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

24 “[~~(9)~~] (8) ‘State building code’ means the combined specialty codes.

25 “[~~(10)~~] (9) ‘Structural code’ means the specialty code prescribing structural standards for build-  
26 ing construction.

27 “[~~(11)~~] (10) ‘Unsafe condition’ means a condition caused by earthquake which is determined by  
28 the department or any representative of the department to be dangerous to life and property. ‘Un-  
29 safe condition’ includes but is not limited to:

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

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

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

36 “455.135. (1) There is established a Residential and Manufactured Structures Board consisting  
37 of 11 members appointed by the Governor.

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

41 “(3) The board must consist of:

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

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

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

1 “(d) One home designer or architect;

2 “(e) One building official;

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

4 “(g) One structural engineer;

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

6 “(i) One manufacturer of manufactured dwellings;

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

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

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

11 “455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS  
12 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and  
13 Business Services shall carry out the provisions of this section.

14 “(2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a  
15 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty  
16 code[, *the*] **or** Low-Rise Residential Dwelling Code [*or the Small Home Specialty Code*] may act on  
17 behalf of the State Plumbing Board to investigate violations of and enforce ORS 447.040, 693.030 and  
18 693.040 and to issue notices of proposed assessment of civil penalties for those violations.

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

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

27 “(3) The department shall establish:

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

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

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

42 “(d) A program to provide a division of the moneys recovered by the department with the  
43 municipality that initiated the charges, when a person charged with a violation as provided in sub-  
44 section (2) of this section, other than a violation of a licensing requirement, requests a hearing and  
45 is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The de-

1 partment shall keep an amount equal to its costs of processing the proceeding and collection ex-  
2 penses out of the remaining one-half and remit the balance, if any, to the municipality; and

3 “(e) A program to require municipalities to investigate violations of the department’s permit  
4 requirements for plumbing installations and services under the plumbing specialty code and for  
5 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code  
6 [or *Small Home Specialty Code*], and to:

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

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

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

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

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

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

23 “(A)(i) An investigative or other fee added to an electrical permit fee when a permit was ob-  
24 tained after the electrical installation was started;

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

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

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

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

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

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

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

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

42 “455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and  
43 amend as necessary, a Low-Rise Residential Dwelling Code that[, *except as provided in section 2 of*  
44 *this 2019 Act,*] contains all requirements, including structural design provisions, related to the con-  
45 struction of residential dwellings three stories or less above grade. The code provisions for plumbing

1 and electrical requirements must be compatible with other specialty codes adopted by the director.  
2 The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall re-  
3 view, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

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

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

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

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

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

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

15 “(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets  
16 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS  
17 447.020 to meet the requirements of ORS 447.145.

18 “(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS  
19 455.030 and 455.110.

20 “(6) The director, by rule, shall establish uniform standards for a municipality to allow an al-  
21 ternate method of construction to the requirements for one and two family dwellings built to the  
22 Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*] in areas where the local juris-  
23 diction determines that the fire apparatus means of approach to a property or water supply serving  
24 a property does not meet applicable fire code or state building code requirements. The alternate  
25 method of construction, which may include but is not limited to the installation of automatic fire  
26 sprinkler systems, must be approved in conjunction with the approval of an application under ORS  
27 197.522.

28 “(7) For lots of record existing before July 2, 2001, or property that receives any approval for  
29 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing  
30 an alternate method of construction to the requirements for one and two family dwellings built to  
31 the Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*] may apply the uniform  
32 standards established by the director pursuant to subsection (6) of this section. For property that  
33 receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July  
34 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and  
35 two family dwellings built to the Low-Rise Residential Dwelling Code [*or Small Home Specialty*  
36 *Code*] must apply the uniform standards established by the director pursuant to subsection (6) of this  
37 section.

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

39 “197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for  
40 persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-  
41 wide concern.

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

44 “(3) When a need has been shown for housing within an urban growth boundary at particular  
45 price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or

1 in zones described by some comprehensive plans as overlay zones with sufficient buildable land to  
2 satisfy that need.

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

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

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

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

11 “(a) An application or permit for residential development in an area identified in a formally  
12 adopted central city plan, or a regional center as defined by Metro, in a city with a population of  
13 500,000 or more.

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

16 “(6) In addition to an approval process for needed housing based on clear and objective stan-  
17 dards, conditions and procedures as provided in subsection (4) of this section, a local government  
18 may adopt and apply an alternative approval process for applications and permits for residential  
19 development based on approval criteria regulating, in whole or in part, appearance or aesthetics  
20 that are not clear and objective if:

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

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

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

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

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

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

32 “(c) Establish approval procedures.

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

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

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

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

43 “(d) The manufactured home shall have exterior siding and roofing which in color, material and  
44 appearance is similar to the exterior siding and roofing material commonly used on residential  
45 dwellings within the community or which is comparable to the predominant materials used on sur-

1 rounding dwellings as determined by the local permit approval authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-  
34 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to  
35 provide additional living space.

36 “(6) ‘Certification’ means an evaluation process by which the department verifies a  
37 manufacturer’s ability to produce manufactured structures to the department rules and to the de-  
38 partment approved quality control manual.

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

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

44 “(9) ‘Department’ means the Department of Consumer and Business Services.

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



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

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

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

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

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

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

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

15 “(b) For all other manufactured structures, the insignia issued by this state indicating compli-  
16 ance with state law.

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

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

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

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

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

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

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

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

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

45 “(23) ‘Manufactured dwelling park’ means any place where four or more manufactured dwellings

1 are located within 500 feet of one another on a lot, tract or parcel of land under the same owner-  
2 ship, the primary purpose of which is to rent or lease space or keep space for rent or lease to any  
3 person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer  
4 space free in connection with securing the trade or patronage of such person. 'Manufactured  
5 dwelling park' does not include a lot or lots located within a subdivision being rented or leased for  
6 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by  
7 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010  
8 to 92.192.

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

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

17 "(25)(a) 'Manufactured structure' means a recreational vehicle, manufactured dwelling or recre-  
18 ational structure.

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

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

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

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

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

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

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

43 "(32) 'Recreational structure' means a campground structure with or without plumbing, heating  
44 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-  
45 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric

1 structures or similar structures as further defined, by rule, by the director.

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

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

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

9 “(36) ‘Skirting’ means a weather resistant material used to enclose the space below the manu-  
10 factured structure.

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

13 “(38) ‘Transitional housing accommodations’ means accommodations described under ORS  
14 446.265.

15 “(39) ‘Utilities’ means the water, sewer, gas or electric services provided on a lot for a manu-  
16 factured structure.

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

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

19 **“SECTION 18. Section 9 of this 2019 Act, the amendments to ORS 197.307, 446.003, 455.010,  
20 455.135, 455.156 and 455.610 by sections 10 to 15 of this 2019 Act and the repeal of section 2  
21 of this 2019 Act by section 17 of this 2019 Act become operative on January 2, 2026.**

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

23