

House Bill 2916

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

SUMMARY

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

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to transitional housing; amending ORS 446.003, 446.265 and 446.325; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 446.265 is amended to read:

6 446.265. (1) A [*municipality*] **local government** may [*approve*] **authorize** the establishment of a
7 campground inside an urban growth boundary [*to be used*] for [*providing*] transitional housing
8 accommodations[. *The accommodations may consist of separate facilities, in the form of yurts, for*
9 *use*] **used** as living units by one or more individuals or by families. [*The person establishing the ac-*
10 *commodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services*
11 *either through separate or shared facilities. The accommodations shall provide parking facilities and*
12 *walkways.*]

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

17 [(3)] **(2)** [*Campgrounds providing transitional housing accommodations described under this section*
18 *may be operated by private persons or nonprofit organizations.*] **The transitional housing accom-**
19 **modations may provide access to water, toilet, shower, laundry, cooking, telephone or other**
20 **services either through separate or shared facilities. The accommodations must provide**
21 **parking facilities and walkways. The Oregon Health Authority may regulate** the shared facili-
22 ties of the campgrounds [*are subject to regulation under the recreation park specialty code described*]
23 under **provisions the authority deems applicable under** ORS 446.310 to 446.350.

24 **(3)** [*The*] Transitional housing accommodations are not subject to ORS chapter 90.

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

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

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

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

9 **SECTION 2.** ORS 446.325 is amended to read:

10 446.325. (1) [Public entities, private persons or nonprofit organizations described] **A person op-**
 11 **erating a campground for transition housing accommodations** under ORS 446.265 [(3)], timber
 12 companies and private utilities [shall] **may** not establish or operate a recreation park without com-
 13 plying with the rules of the Oregon Health Authority and securing the approval of the Director of
 14 the Oregon Health Authority or designee but [shall be] **are** exempt from the licensing requirement
 15 of ORS 446.320. The director or designee may delegate, to a health official having sufficient envi-
 16 ronmental health specialists, the authority to approve such recreation parks.

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

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

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

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

28 **SECTION 3.** ORS 446.003 is amended to read:

29 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
 30 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
 31 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
 32 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
 33 affected, and except as provided in ORS 446.265:

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

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

40 (b) “Alteration” does not include:

41 (A) Minor repairs with approved component parts;

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

43 (C) Adjustment and maintenance of equipment; or

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

45 (3) “Approved” means approved, licensed or certified by the Department of Consumer and

1 Business Services or its designee.

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

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

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

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

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

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

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

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

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

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

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

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

28 (16) "Insignia of compliance" means:

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

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

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

36 (18) "Installation" in relation to:

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

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

42 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook
43 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
44 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
45 consultation or supervision for any of these activities, except architects registered under ORS

1 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 construction.

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

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

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

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

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

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

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

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

27 (38) "Transitional housing accommodations" means accommodations [*described under ORS*
28 *446.265*] **in a recreational structure designated for individuals or families who lack permanent**
29 **shelter.**

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

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