

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2423**

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

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

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

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

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 Except to the extent superseded by the  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

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

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

4 “(5) Each small home shall be considered a single compartment for  
5 purposes of residential fire sprinkler design. The design calculation for  
6 a small home sprinkler system shall consider a maximum of two fire  
7 sprinklers. The residential fire sprinklers in a small home shall be lo-  
8 cated according to the location requirements of the installation  
9 standard referenced in the state building code.

10 “(6) A small home must be built with a listed heat detector unit  
11 alarm or a listed photoelectric smoke alarm. The alarm must be in-  
12 stalled and located according to the listing requirements specified by  
13 the manufacturer, as determined by the Department of Consumer and  
14 Business Services or the State Fire Marshal, and may be an alterna-  
15 tive or addition to the installation of a second residential fire sprin-  
16 kler.

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

18 “455.010. As used in this chapter, unless the context requires otherwise:

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

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 un-  
27 der ORS 455.135;

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

29 “(G) The Construction Industry Energy Board established under ORS  
30 455.492.

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

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

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

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

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

14 “(6) ‘Prefabricated structure’:

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

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

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

24 “[7] (8) ‘Specialty code’:

25 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,  
26 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)  
27 or 480.545 **or section 2 of this 2019 Act.**[, *but does not include*]

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

30 “[8] (9) ‘State building code’ means the combined specialty codes.

1        “[9] (10) ‘Structural code’ means the specialty code prescribing struc-  
2 tural standards for building construction.

3        “[10] (11) ‘Unsafe condition’ means a condition caused by earthquake  
4 which is determined by the department or any representative of the depart-  
5 ment to be dangerous to life and property. ‘Unsafe condition’ includes but  
6 is not limited to:

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

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

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

15        “455.135. (1) There is established a Residential and Manufactured Struc-  
16 tures Board consisting of 11 members appointed by the Governor.

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

21        “(3) The board must consist of:

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

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

26        “(c) One contractor specializing in building multifamily housing three  
27 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;

1 “(g) One structural engineer;

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

3 “(i) One manufacturer of manufactured dwellings;

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

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

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

8 “455.156. (1) Notwithstanding any other provision of this chapter, ORS  
9 chapter 693 or ORS 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or  
10 479.995, the Department of Consumer and Business Services shall carry out  
11 the provisions of this section.

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

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

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

29 “(3) The department shall establish:

30 “(a) Procedures, forms and standards to carry out the provisions of this

1 section, including but not limited to creating preprinted notices of proposed  
2 assessment of penalties that can be completed and served by municipal in-  
3 spectors;

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

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

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

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

30 “(A) Initiate notices of proposed assessment of civil penalties as agents

1 of the boards designated in subsection (2) of this section; and

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

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

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

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

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

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

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

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

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

30 “(B)(i) An investigative or other fee added to a plumbing permit fee when

1 a permit was obtained after the plumbing installation was started;  
2 “(ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a  
3 plumbing permit as required under the plumbing specialty code;  
4 “(iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a  
5 plumbing permit under the Low-Rise Residential Dwelling Code; or  
6 “(iv) A municipal penalty, other than an investigative fee, for making a  
7 plumbing installation under the plumbing specialty code, [or] the Low-Rise  
8 Residential Dwelling Code **or the Small Home Specialty Code** without a  
9 permit.

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

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

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

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

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

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

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

29 “(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the direc-  
30 tor may, at any time following appropriate consultation with the Mechanical



1 Board or Building Codes Structures Board, amend the mechanical specialty  
2 code or structural specialty code to ensure compatibility with the Low-Rise  
3 Residential Dwelling Code.

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

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

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

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

1 standards established by the director pursuant to subsection (6) of this sec-  
2 tion.

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

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

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

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

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

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

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

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

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

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

30 “(6) In addition to an approval process for needed housing based on clear

1 and objective standards, conditions and procedures as provided in subsection  
2 (4) of this section, a local government may adopt and apply an alternative  
3 approval process for applications and permits for residential development  
4 based on approval criteria regulating, in whole or in part, appearance or  
5 aesthetics that are not clear and objective if:

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

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

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

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

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

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

19 “(c) Establish approval procedures.

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

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

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

29 “(c) The manufactured home shall have a pitched roof, except that no  
30 standard shall require a slope of greater than a nominal three feet in height

1 for each 12 feet in width.

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

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

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

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

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

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

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

1 department of Consumer and Business Services.

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

6 “(b) ‘Alteration’ does not include:

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

8 “(B) Conversion of listed fuel-burning appliances in accordance with the  
9 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  
13 of Consumer and 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 pre-  
16 fabricated, or demountable, with two or more walls, used adjacent to and in  
17 conjunction with a manufactured structure to provide additional living  
18 space.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-  
22 partment of Consumer and Business Services or representatives as appointed  
23 or authorized to administer and enforce provisions of ORS 446.111, 446.160,  
24 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

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

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

29 “(b) Siting means the manufactured structure and cabana foundation  
30 support and tiedown, the structural, fire and life safety, electrical, plumbing

1 and mechanical equipment and material connections and the installation of  
2 skirting and temporary steps.

3 “(19) ‘Installer’ means any individual licensed by the director to install,  
4 set up, connect, hook up, block, tie down, secure, support, install temporary  
5 steps for, install skirting for or make electrical, plumbing or mechanical  
6 connections to manufactured dwellings or cabanas or who provides consul-  
7 tation or supervision for any of these activities, except architects registered  
8 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to  
9 672.325.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

1 and that was constructed before January 1, 1962.

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

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

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

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

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

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

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

18 **“(a) Allow sleeping lofts; and**

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

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

23 **“455.010. As used in this chapter, unless the context requires otherwise:**

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

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

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

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

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

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

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

4 “(G) The Construction Industry Energy Board established under ORS  
5 455.492.

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

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

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

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

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

19 “(6) ‘Prefabricated structure’:

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

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

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

28 “[~~(8)~~ (7) ‘Specialty code’:

29 “(a) Means a code of regulations adopted under ORS 446.062, 446.185,  
30 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1)

1 or 480.545 [or section 2 of this 2019 Act].

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

4 “[9] (8) ‘State building code’ means the combined specialty codes.

5 “[10] (9) ‘Structural code’ means the specialty code prescribing struc-  
6 tural standards for building construction.

7 “[11] (10) ‘Unsafe condition’ means a condition caused by earthquake  
8 which is determined by the department or any representative of the depart-  
9 ment to be dangerous to life and property. ‘Unsafe condition’ includes but  
10 is not limited to:

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

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

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

20 “455.135. (1) There is established a Residential and Manufactured Struc-  
21 tures Board consisting of 11 members appointed by the Governor.

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

25 “(3) The board must consist of:

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

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

30 “(c) One contractor specializing in building multifamily housing three

1 stories or less above grade;  
2 “(d) One home designer or architect;  
3 “(e) One building official;  
4 “(f) One representative of residential building trade subcontractors;  
5 “(g) One structural engineer;  
6 “(h) One representative of a utility or energy supplier;  
7 “(i) One manufacturer of manufactured dwellings;  
8 “(j) One seller or distributor of new manufactured dwellings; and  
9 “(k) One public member who does not receive compensation from any in-  
10 terest represented under paragraphs (a) to (j) of this subsection.

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

13 “455.156. (1) Notwithstanding any other provision of this chapter, ORS  
14 chapter 693 or ORS 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or  
15 479.995, the Department of Consumer and Business Services shall carry out  
16 the provisions of this section.

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

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

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

4 “(3) The department shall establish:

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

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

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

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

30 “(e) A program to require municipalities to investigate violations of the

1 department's permit requirements for plumbing installations and services  
2 under the plumbing specialty code and for plumbing and electrical installa-  
3 tions and services under the Low-Rise Residential Dwelling Code[ *or Small*  
4 *Home Specialty Code*], and to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

26 “(7) For lots of record existing before July 2, 2001, or property that re-  
27 ceives any approval for partition, subdivision or construction under ORS  
28 197.522 before July 2, 2001, a municipality allowing an alternate method of  
29 construction to the requirements for one and two family dwellings built to  
30 the Low-Rise Residential Dwelling Code [*or Small Home Specialty Code*] may

1 apply the uniform standards established by the director pursuant to sub-  
2 section (6) of this section. For property that receives all approvals for par-  
3 tition, subdivision or construction under ORS 197.522 on or after July 2, 2001,  
4 a municipality allowing an alternate method of construction to the require-  
5 ments for one and two family dwellings built to the Low-Rise Residential  
6 Dwelling Code [*or Small Home Specialty Code*] must apply the uniform  
7 standards established by the director pursuant to subsection (6) of this sec-  
8 tion.

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

11 “197.307. (1) The availability of affordable, decent, safe and sanitary  
12 housing opportunities for persons of lower, middle and fixed income, includ-  
13 ing housing for farmworkers, is a matter of statewide concern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26       “(c) Establish approval procedures.

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

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

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

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

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

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

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

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

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

30       “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for

1 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-  
2 nitions apply, unless the context requires otherwise, or unless administration  
3 and enforcement by the State of Oregon under the existing or revised Na-  
4 tional Manufactured Housing Construction and Safety Standards Act would  
5 be adversely affected, and except as provided in ORS 446.265:

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

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

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

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

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

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

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

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

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

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

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

30 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-

1 factured structure in whole or in part from one type of vehicle or structure  
2 to another.

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

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

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

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

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

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

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

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

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

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

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

29 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-  
30 partment of Consumer and Business Services or representatives as appointed

1 or authorized to administer and enforce provisions of ORS 446.111, 446.160,  
2 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

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

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

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

11 “(19) ‘Installer’ means any individual licensed by the director to install,  
12 set up, connect, hook up, block, tie down, secure, support, install temporary  
13 steps for, install skirting for or make electrical, plumbing or mechanical  
14 connections to manufactured dwellings or cabanas or who provides consul-  
15 tation or supervision for any of these activities, except architects registered  
16 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to  
17 672.325.

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

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

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

29 “(b) ‘Manufactured dwelling’ does not include any building or structure  
30 constructed to conform to the State of Oregon Structural Specialty Code[,]

1 **or** the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100  
2 to 455.450 and 455.610 to 455.630 [*or the Small Home Specialty Code adopted*  
3 *under section 2 of this 2019 Act*] or any unit identified as a recreational ve-  
4 hicle by the manufacturer.

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

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

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

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

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

30 “(26) ‘Manufacturer’ means any person engaged in manufacturing, build-



1 ing, rebuilding, altering, converting or assembling manufactured structures  
2 or equipment.

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

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

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

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

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

27 “(32) ‘Recreational structure’ means a campground structure with or  
28 without plumbing, heating or cooking facilities intended to be used by any  
29 particular occupant on a limited-time basis for recreational, seasonal, emer-  
30 gency 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  
3 power, that is designed for human occupancy and to be used temporarily for  
4 recreational, seasonal or emergency purposes and as further defined, by rule,  
5 by the director.

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

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

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

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

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

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

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

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

21 **“SECTION 18. Section 9 of this 2019 Act, the amendments to ORS  
22 197.307, 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10 to 15  
23 of this 2019 Act and the repeal of section 2 of this 2019 Act by section  
24 17 of this 2019 Act become operative on January 2, 2026.**

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

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