



MEMORANDUM

Review of Tent Camping and Tiny Home Provisions Portland Code Research Project (Task 6)

DATE August 27, 2019
TO Al Burns, City of Portland
FROM Cathy Corliss, Angelo Planning Group
CC File – FINAL DRAFT

This research was conducted under contract with the City of Portland, but the recommendations contained within this memorandum are the product of the consultant, not the City. The recommendations have not been adopted by and are not a final decision of the City. The City is not obligated to initiate legislative action to adopt the recommendations; that any forthcoming code revisions are subject to the City's legislative procedures.

INTRODUCTION

This memorandum summarizes our findings related to how other local governments are establishing and regulating tent camping facilities and similar facilities with clusters of “tiny homes.” The focus of our research has been on communities that have legalized or otherwise endorsed these approaches as a method to provide short term shelter for the homeless, distinct from where they are allowed as a recreational or lodging use. For purposes of this research, tiny houses may include tiny houses on wheels (built on a street-legal trailer), prefabricated structures, or very small wood-frame structures constructed on-site.

Defining the term

- **Tiny houses on wheels.** These structures are typically constructed as “park model” recreational vehicles (RV) and meet the recreational vehicle construction standards rather than Housing and Urban Development’s (HUD) manufactured home standards. As an RV, units must be designed, built, and certified in accordance with one of two national standards: NFPA 1192-15, Standard for



Recreational Vehicles; or ANSI A119.5-15, Park Model Recreational Vehicle Standard¹.

Within the RV industry, the following general distinctions are made between types of towable RVs:

Destination Trailers. Designed to be towed and parked at a campground, RV park, or other destination for a season. Generally self-contained and include a waste holding tank and a freshwater tank. Because destination trailers are made for long-term use, they can be heavy and require a one-ton truck to be towed.

Park Models. Park Model Homes. Intended to be parked as a longer-term living solution (e.g., in a park) and may require special transportation. Park models may not have waste holding or freshwater tanks, so utility hook-ups might be required.

Travel Trailers. Lighter weight and designed to be more easily towed, offer the most versatility in terms of transportation. Airstream is an example of a travel trailer.

The recently adopted 2019 House Bill 2333 (2019 Oregon Laws, Chapter 282, effective January 1, 2020) provides the following definition of "Park model recreational vehicle":

(b) "Park model recreational vehicle" means a recreational vehicle, as defined in section 6 of this 2019 Act, that:

(A) Is designed for use as temporary living quarters;

(B) Is built on a single chassis mounted on wheels;

(C) Has a gross trailer area that does not exceed 400 square feet;

(D) Is more than eight and one-half feet wide;

(E) Complies with any manufacturing standards that the Director of Transportation recognizes as being in widespread use and applicable to park model recreational vehicles; and

(F) Meets any other requirements imposed by the director by rule.²

This new definition and other amendments in HB 2333 came about as part of an effort to provide a mechanism for recreational park trailer (tiny houses on wheels) manufacturers to obtain an ownership document from Department of Motor Vehicles.³ A recent OregonLive article reports that there is a jurisdictional gap between the Oregon Building Codes Division and

¹ Manufactured Home Procedural and Enforcement Regulations; Clarifying the Exemption for Manufacture of Recreational Vehicles <https://www.regulations.gov/document?D=HUD-2018-0094-0001>. See also: <https://www.rvia.org/advocacy/policies/pmrv-definitions>

² <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2333/Enrolled>

³ <https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=2765>

the Oregon Department of Motor Vehicles which is holding up sales of a certain type of tiny houses until the new law takes effect on January 1, 2020.⁴

2018 International Residential Code (IRC), including Appendix Q for Tiny Houses, with Oregon Reach Code modifications provides minimum standards for the construction of tiny houses, 400 square feet or less in floor area, not including loft areas. It includes standards for both tiny houses on wheels and permanent tiny houses. Tiny houses on wheels are classified as a Group R-5 occupancy intended for temporary or emergency use or as allowed by the building official. This includes park model type recreational structures. However, there is an exception to the length of stay requirement for Group R-5 structures located in approved recreational vehicle, manufactured housing, or transitional housing parks. per ORS 197.493.⁵

- **Recreational vehicles and motor homes.** Title 33 defines establishes two categories of recreational vehicle: “accessory recreational vehicle” and “motor home.”

Recreational Vehicle. A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- *Accessory recreational vehicle. Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats*
 - *Motor home. Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.*
- **Site-built small wood-frame or prefabricated structures (dwelling units).** Site-built tiny houses 400 square feet or smaller that are intended for permanent living and meet the definition of a “dwelling unit”, can follow the 2018 International Residential Code (IRC), including Appendix Q for Tiny Houses, with Oregon Reach Code modifications, which provides minimum standards. It appears that prefabricated tiny houses that rest on a skid or foundation, or are over 400 square feet, must meet U.S. Department of Housing and Urban Development (HUD) standards and be installed in accordance with Oregon Manufactured Dwelling Installation Specialty Code.⁶ Site-built and prefabricated tiny homes on foundations are dwelling units and will likely be subject to ORS 90 (state landlord-tenant laws) and Portland city code on rental units.

⁴ OregonLive, Sales of certain tiny houses hampered over jurisdictional gap between Oregon agencies, 8/26/19. <https://www.oregonlive.com/business/2019/08/sales-of-certain-tiny-houses-hit-snag-over-jurisdictional-gap-between-oregon-agencies.html>

⁵ 2018 Oregon Reach Code <https://www.oregon.gov/bcd/codes-stand/Documents/reach-18reachcode.pdf>

⁶ Manufactured dwelling services <https://www.oregon.gov/bcd/permit-services/Pages/manufactured-dwelling-services.aspx>

- **Tents, prefabricated structures and site-built small wood-frame structures (non-dwelling units).** If such structures do not meet the City’s definition of “dwelling unit” or “group living facility” then the closest definition would appear to be the State definition of “recreational structure” which, despite its name, can be used for emergency or transitional housing purposes.

“Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.⁷

BEST PRACTICES FROM OTHER PLACES

The summary below highlights how the cities of Seattle (Washington), Austin (Texas), San Jose (California), Fresno (California) and Detroit (Michigan) are establishing and regulating tent camping facilities and similar options for short term shelter for the homeless.

Seattle, Washington

There are currently about nine tiny home villages in the City of Seattle, although several appear to be on the verge of closing or moving. The City has adopted special use regulations for “transitional encampments” in its Land Use Code:

- 23.42.054 - Transitional encampments accessory to religious facilities or to other principal uses located on property owned or controlled by a religious organization
- 23.42.056 - Transitional encampment as an interim use

The regulations for transitional encampments accessory to religious facilities are relatively liberal -- presumably out of consideration for the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). There is a maximum occupancy of 100 residents and some basic hygiene-related requirements, but there is no maximum duration that the encampment can be in a location and no density, spacing or setback requirements.

In addition to a maximum occupancy of 100 residents, other (non-religious) encampments are only allowed as interim uses and have significant limitations:

- They must be at least 1 mile from any other legally established transitional encampment interim use;
- They are limited to one year with a one year renewal, and can’t return to the same location for a year (In March 2019, three of the encampments had reached their permit expiration

⁷ 446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227 https://www.oregonlegislature.gov/bills_laws/ors/ors446.html

but have been “temporarily re-permitted” for an additional six months while the City seeks a long-term strategy);

- The property must be 5,000 square feet or larger and provides a minimum of 100 square feet of land area for each occupant; and
- No more than three transitional encampment interim use encampments can be permitted and operating at any one time.

The complete text of these sections is attached to this memo. Larger sites may also subject to review under the State Environmental Policy Act (SEPA). Interestingly, some of the tiny houses were built below the thresholds that trigger the need for a building permit.

In addition to the transitional encampments, under the previous mayor, the City attempted to establish sanctioned parking lots for people living in their cars and RVs; however, these appear to have been closed.

Related Reading:

Update regarding Camp Second Chance, Georgetown and Othello Villages

<https://homelessness.seattle.gov/update-regarding-camp-second-chance-georgetown-and-othello-villages/>

City-Permitted Villages

<http://www.seattle.gov/homelessness/city-permitted-villages>

Licton Springs Village Is Closing. How Successful Was It?

<https://www.seattlemet.com/articles/2019/3/7/licton-springs-village-is-closing-but-it-was-a-tiny-house-success-story>

Tiny House Villages in Seattle: An Efficient Response to Our Homelessness Crisis

<https://shelterforce.org/2019/03/15/tiny-house-villages-in-seattle-an-efficient-response-to-our-homelessness-crisis/>

Tiny houses: salvation for the homeless or a dead end?

<https://www.theguardian.com/us-news/2017/mar/23/tiny-houses-solution-homelessness-seattle>

Seattle commits to \$12 million in modular housing for the homeless

<https://www.mnn.com/your-home/remodeling-design/blogs/seattle-commits-12-million-modular-housing-homeless>

Seattle still doesn't know what to do with thousands of people living in vehicles

<https://www.seattletimes.com/seattle-news/homeless/seattle-still-has-no-strategy-for-thousands-of-people-living-in-vehicles/>

Tiny houses multiply amid big issues as communities tackle homelessness

<https://www.washingtonpost.com/graphics/2018/national/tiny-houses/?noredirect=on>

Austin, Texas (outside city limits)

Community First! Village is a master planned community that provides affordable, permanent housing and a supportive community for men and women coming out of chronic homelessness. It's run by a faith-based nonprofit, Mobile Loaves & Fishes, and occupies 51 acres about 8 miles northeast of downtown Austin in unincorporated Travis County. Once Phase 2 is complete, it will house almost 500 formerly homeless individuals.

The Community First model is unique -- both in its size and emphasis on community. It provides permanent rather than transitional housing (NOTE: Quixote Village in Olympia, Washington, which has 30 units, is also a permanent supportive tiny house village). Units include micro homes, RV homes, and tent cabins. Applicants undergo an assessment process to make sure they qualify and have been chronically homeless. Residents must pay rent, ranging from \$225 to \$430 per month. Social services offices, a clinic, recovery programs and other support services and jobs within "micro enterprises" are available on-site. About 20% of the residents are volunteers who live there to support the community.

The founders were unable to find a location in within the city limits of Austin, due to the zoning regulations and neighborhood opposition. The site is in a location that is not subject to city zoning regulations and there appear to be very few land use regulations in Travis County⁸.



Related Reading:

People who were homeless find housing -- and community -- at an RV/tiny home village

<https://www.faithandleadership.com/people-who-were-homeless-find-housing-and-community-rvtiny-home-village>

Community First! Village

<https://mlf.org/community-first/>

Austin's Fix for Homelessness: Tiny Houses, and Lots of Neighbors

⁸ https://www.traviscountytexas.gov/images/commissioners_court/Doc/county-code/subtitle19/chap482.pdf

<https://www.citylab.com/design/2018/11/community-first-village-homeless-tiny-homes-austin-texas/575611/>

Tiny houses in Austin are helping the Homeless, but It Still Takes a Village

<https://austin.curbed.com/2016/5/17/11686368/tiny-houses-austin-end-homelessness>

816 is a canvas tiny home available for vacation rental at the Community First Village! in Austin, TX.

<https://communityinn.mlf.org/austin-tx-vacation-rental/canvas-cottage-816/>

San Jose, California

It took an act of the State legislature for the City of San Jose to get permission build a tiny home village of “emergency sleeping cabins”. Assembly Bill 2176 (2016) allowed San Jose to suspend building code requirements in order to establish an “emergency bridge housing community” with temporary structures including emergency sleeping cabins. As a part of the bill, however, the City must have a housing plan that will provide permanent housing to the resident on or before January 1, 2022, when it expires. It’s taken several years since the bill was passed in 2016 to find suitable sites. The two sites selected (owned by Valley Transportation Authority and Caltrans) will require electrical power, water and sewage infrastructure, along with paving and landscaping. According to the San Jose Mercury, development and construction for the two sites is expected to run about \$4.3 million, with a contingency of \$860,000.⁹

AB 2176¹⁰ includes the following definitions:

(e) “Emergency bridge housing community” means any new or existing facilities, including, but not limited to, housing in temporary structures, including, but not limited to, emergency sleeping cabins consistent with the requirements of subdivision (h) of Section 8698.3 that are reserved for homeless persons and families, together with community support facilities, including, but not limited to, showers and bathrooms adequate to serve the anticipated number of residents all of which may be located on property leased or owned by a political subdivision. An emergency bridge housing community shall include supportive and self-sufficiency development services, have the ultimate goal of moving homeless persons to permanent housing as quickly as reasonably possible, and limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

(h) An “emergency sleeping cabin” means a relocatable hard-sided structure that may be used for occupancy only pursuant to Section 8698 and this section. It shall have a raised floor area of no less than 120 square feet of interior space for two occupants and a minimum of 70 square feet of interior space for one occupant. It shall contain no plumbing or gas service. An emergency sleeping cabin shall meet a minimum of a 20 pounds per

⁹ <https://www.mercurynews.com/2018/12/19/san-jose-council-approves-two-sites-for-development-of-tiny-homes-to-help-homeless/>

¹⁰ Assembly Bill No. 2176 CHAPTER 691

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2176

square foot live load roof structure, shall be provided light, heat, and ventilation, and shall comply with minimum emergency bridge housing design standards as follows:

(1) Electrical power available as needed to meet the light and heat requirements of this subdivision. The source of electricity may be solar power.

(2) At least one interior lighting fixture.

(3) Electrical heating equipment approved for residential use.

(4) Means of ventilation allowing for adequate air replacement.

(5) At least one GFCI-protected receptacle for use by the occupant or occupants.

(6) At least two forms of egress placed remotely from each other, one of which may be an egress window with a sill height of not more than 44 inches from the floor, a minimum net opening height of 24 inches, and a minimum width of 20 inches.

(7) A privacy lock on each door.

(8) When required to meet accessibility requirements, compliance with the applicable requirements specified in Chapter 11B of the California Building Code.

(9) One permanently wired smoke alarm with battery backup, listed and labeled in accordance with UL 217, installed in accordance with the California Residential Code and NFPA 72. Battery powered alarms are permissible in lieu of wired alarms only when the cabin is solar powered and other electrical service is not supplied to the cabin. Smoke alarms shall be listed and approved by the State Fire Marshal.

(10) This subdivision shall remain operative until the date on which the California Building Standards Commission includes standards in the California Building Standards Code that conform to this subdivision.

Interestingly, there are encampments in Fresno (see below) and Yuba County that are using sheds as temporary shelter -- it's not clear how they are able to do that under California law given the steps that San Jose has gone through to achieve a similar outcome.

Related Reading:

San Jose: Tiny homes' sites approved by council -- 80 tiny homes to open this summer, serve as bridge to permanent housing

<https://www.mercurynews.com/2018/12/19/san-jose-council-approves-two-sites-for-development-of-tiny-homes-to-help-homeless/>

San Jose Assembly Bill 2176 waives state building code for tiny houses for the homeless

<https://americantinyhouseassociation.org/san-jose-assembly-bill-2176-waives-state-building-code-for-tiny-houses-for-the-homeless/>

Fresno, California

The Village of Hope, which was established in 2004, was originally a tent camping facility but has been “upgraded to simple “Tuff Shed”-like shelters. The site was re-zoned by the City as a campground, which relaxed its building code requirements of having running water, weather-safe materials, fixed sanitation and other building code enforcement requirements.

The Land Use Regulations include the following definition. These uses are allowed in a number of zones within the city.

CAMP PUBLIC shall mean any area or tract of land used or designed to accommodate two (2) or more camping parties including tents or other camping outfits but not including trailer parks. Such camp may be publicly or privately owned and operated.

RECREATIONAL VEHICLE PARK shall mean an area or tract of land developed and operated in accordance with Title 25, California Administrative Code, where one (1) or more spaces are rented or leased or held out for rent or lease to owners or users of “Recreational Vehicles” and which is occupied for temporary purposes; however, spaces may be used for tent camping.

Related Reading:

Village of Hope

<https://poverellohouse.org/what-we-do/shelter>

Tent Cities in America: A Pacific Coast Report, March, 2010 (NOTE: somewhat out-of-date, but interesting)

<http://nationalhomeless.org/publications/Tent%20Cities%20Report%20FINAL%203-4-10.pdf>

Elsewhere in California

Yuba County Big Idea for a Small Space: Tiny Houses for the Homeless

<https://www.governing.com/topics/health-human-services/gov-tiny-house-homeless-yuba-county.html>

East Palo Alto Gives Homeless RV Dwellers City-Funded Parking Place

<https://sanfrancisco.cbslocal.com/2018/07/18/east-palo-alto-homeless-rv-parking/>

Palo Alto explores potential parking lot for RV dwellers

<https://www.mercurynews.com/2019/06/03/palo-alto-explores-potential-parking-lot-for-rv-dwellers/>

Give them a place to park or force them out? City’s RV residents under spotlight

<https://www.sfchronicle.com/bayarea/article/Give-them-a-place-to-park-or-force-them-out-13343698.php?psid=8JwvQ>

Park Delta Bay is currently the only legal tiny house community in Northern California.

<https://deltabay.org/tinyhouse/>

Detroit, Michigan

Cass Community Social Services is in the process of building 25 different tiny homes (250-400sf) for low-income residents (not necessarily homeless). Each home will be on its own lot (roughly 30 x 100 feet) and be on a permanent foundation. Residents will need an income to qualify for this project.

These will be rent-to-own units -- the residents will rent the homes for \$1 per square foot per month, but after seven years residents will be given the opportunity to own the home and property.

Related Reading:

First Tiny Home Opens for Visitors Cass Community Social Services

<https://casscommunity.org/2016/09/08/first-tiny-home-opens-for-visitors/>

Curbed Magazine "This Tiny House Could be a Game-changer for Low-income People in Detroit."

<http://detroit.curbed.com/2016/9/9/12860756/tiny-house-detroit-neighborhood-low-income>

Curbed Magazine "A Community of Tiny Homes Could Help Detroit's Homeless"

<http://detroit.curbed.com/2016/5/19/11713616/tiny-homes-community-detroit-homeless>

LOCAL CONSIDERATIONS – CITY OF PORTLAND AND STATE OF OREGON

Within the City of Portland, unsanctioned camping is not permitted. Below is a brief summary of applicable City of Portland Codes and Charters (PCC) sections and related State statutes.

PCC Title 14, Chapter 50: Public Order and Police, Conduct Prohibited on Public Property

- Section 14A.50.020 prohibits camping on public property and public rights of way, unless otherwise specifically authorized by this Code or by declaration by the Mayor in emergency circumstances.
- Section 14A.50.050 prohibits the placement of permanent or temporary fixture or structure of any material(s) in or upon non-park public property or public right-of-way without a permit or other authorization from the City.

PCC Title 16, Chapter 20: Vehicles and Traffic, Public Right-of-Way Parking

- Section 16.20.120 prohibits the parking of a recreational vehicle or storage container in the public right-of-way adjacent to or directly across from residential, public park, church, or school property. However, Title 15 (Emergency Code) has been used to allow storage facilities in the right-of-way through the declaration of a housing emergency.

PCC Title 29, Chapter 50, Property Maintenance Regulations, Other Requirements

- Section 29.50.050 states that when a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy. [NOTE: The City does not enforce 29.50.050 if the RV is in a manufactured dwelling park, mobile home park or recreational vehicle park – see discussion of ORS 197.493, below.]

PCC Title 33, Chapter 920, Planning and Zoning, Description of Use Categories

- Camping on private property is not an identified use in Title 33 except that Religious Institutions (33.920.470) may allow car camping for up to three vehicles as specified in ORS 203.082 as an accessory use. Potentially camping could be allowed as a Retail Sales And Service use (33.920.250) which includes recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days. [NOTE: The 33.920 use category descriptions are not regulatory. If the average stays grew longer, it would not result in a zoning code violation, but rather the park would be considered a “residential” rather than a “commercial” use.]

There are several existing RV Parks within the City which have daily, weekly and/or monthly rates. However, it doesn’t appear that tent camping is currently offered at any of them:

- Columbia River RV Park: CM1 zone
 - Jantzen Beach RV Park: CE zone
 - Fox Run RV Park (and mobile home park): RMP zone (monthly only)
 - Tall Firs Mobile Home & RV Park: RMP zone (accepts tiny homes built to ANSI standard for RVs)
 - Arbor Mobile Home Park: RMP zone (monthly only) ([See Our Story on Youtube](#))
- Up to six transitional housing units are allowed as accessory uses at Religious Institutions (33.920.470), Colleges (33.920.410) and Schools (33.920.480). These use categories state that a transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year. The reference is to “housing,” so it’s not clear whether less traditional forms of shelter would be permissible (e.g., tents or sheds). “Transitional housing” is not defined but is listed as an example in the definition of “Short-Term Housing” which would make it a Community Service use (33.920.420); and therefore, subject to 33.285 Short Term Housing and Mass Shelters.

PCC Title 8: Health and Sanitation

- Chapter 8.32, Automobile Trailer Courts, prohibits the parking of any trailer coach used for sleeping or living purposes for any period of time exceeding 3 hours except in a trailer court (with the exception of the parking lot of the Memorial Coliseum complex). As defined a “trailer coach” appears to be the same as an RV. The chapter establishes layout, sanitation, fire protection and similar standards for Automobile Trailer Courts. [NOTE: Chapter 24.90, Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreation Parks, Recreational Park Trailer Installation and Accessory Structures, Development and maintenance of manufactured dwelling parks, provides similar standards].

The duties associated with Title 8 were transferred to the Multnomah County Health Officer many years ago. No city bureau currently has administrative authority for this title. Potentially all of Title 8 could be repealed except for the smoking ban in Chapter 8.65, although even the smoking ban may have been superseded in practice by Oregon’s Indoor Clean Air Act.

State of Oregon Statutes

As noted at the beginning of this memorandum, tiny houses on wheels are typically constructed as “park model” recreational vehicles. Thus, the placement of multiple park model RVs on a site would appear to constitute an RV park under **ORS 197.492**. This definition in the ORS is broader than the definition in Title 33, which defines RV parks as a commercial Retail Sales and Service use. Title 33 also defines “recreational vehicle” more narrowly than the **ORS 446.003**.

ORS Definition	Title 33 Definition
<p>ORS 197.492 (2) “Recreational vehicle park”: (a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose: (A) The renting of space and related facilities for a charge or fee; or (B) The provision of space for free in connection with securing the patronage of a person. (b) Does not mean: (A) An area designated only for picnicking or overnight camping; or (B) A manufactured dwelling park or mobile home park.</p>	<p>Title 33 Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park....</p>
<p>ORS 446.003 (33) “Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.</p>	<p>Title 33 Recreational Vehicle. A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis.</p>

Despite the (generally) temporary nature of the occupancy of recreational vehicles, **ORS 197.493** (Placement and occupancy of recreational vehicle) prevents local jurisdictions from limiting the length of occupancy of a recreational vehicle if it’s in a manufactured dwelling park, mobile home park or recreational vehicle park.

ORS 197.493(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
- (b) Occupied as a residential dwelling; and*

One concept might be to create a new category within the 33.285, Short Term Housing and Mass Shelters, and new standards in 33.285 for community service RV parks which could include park model tiny houses and tent camping spaces. The park would also be subject to Ch. 24.90 Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreation Parks, Recreational Park Trailer Installation and Accessory Structures.

(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

[NOTE: This statute overrides PCC 29.50.050; thus, the City does not enforce 29.50.050 if the RV is in a manufactured dwelling park, mobile home park or recreational vehicle park. However, ORS 197.493(2) allows the City to condition the long-term residential occupancy of an RV on meeting fire, life safety, health, or energy conservation requirements.]

The standards related to “Transitional housing accommodations” in **ORS 446.265** were recently amended by HB 2916 (2019 Oregon Laws, Chapter 411, effective June 17, 2019). The amendments significantly expand the ability of a jurisdiction to provide transitional housing. However, the accommodations described in ORS 446.265(2) -- yurts, huts, cabins, fabric structures, tents and similar accommodations – appear to meet the definition of “recreational structure” also in ORS 446. If so, then potentially they could be included within the definition of “manufactured structure;” and thus, subject to numerous requirements throughout ORS 446.

ORS 446.265 (as amended by HB 2916). (1) Inside an urban growth boundary, a local government may authorize the establishment of transitional housing accommodations used as individual living units by one or more individuals. Use of transitional housing accommodations is limited to persons who lack permanent or safe shelter and who cannot be placed in other low income housing. A local government may limit the maximum amount of time that an individual or a family may use the accommodations.

(2) Transitional housing accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing accommodations may provide parking facilities, walkways and access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

(3) Transitional housing accommodations are not subject to ORS chapter 90.

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

Chapter 33.285, Short Term Housing and Mass Shelters, could be amended to include standards for transitional housing accommodations. The City should consider whether the transitional housing described in ORS 446.265 should be permitted at Religious Institutions, Colleges, and Schools or if a different type of shelter is intended as an accessory use.

Key Statutes

ORS 203.082¹ Camping by homeless on property of religious institutions

<https://www.oregonlaws.org/ors/203.082>

ORS 197 — Comprehensive Land Use Planning

ORS 197.493 Placement and occupancy of recreational vehicle

<https://www.oregonlaws.org/ors/197.492>

Chapter 446 — Manufactured Dwellings and Structures; Parks; Tourist Facilities; Ownership Records; Dealers and Dealerships

ORS 446.265 Transitional housing accommodations; regulation and limitations; definition (as amended by HB 2916)

https://www.oregonlegislature.gov/bills_laws/ors/ors446.html

Department of Consumer and Business Services, Building Codes Division - Chapter 918, Division 525 SAFETY AND CONSTRUCTION STANDARDS FOR RECREATIONAL VEHICLES

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4180>

Department of Consumer and Business Services Building Codes Division - Chapter 918 Division 650 RECREATION PARKS AND ORGANIZATIONAL CAMPS 918-650-0010

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4186>

Portland Regulations (other than Title 33)

- Chapter 8.32 Automobile Trailer Courts
- Chapter 14A.50 Conduct Prohibited on Public Property
- Chapter 16.20 Public Right-of-Way Parking
- Chapter 24.90 Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreation Parks, Recreational Park Trailer Installation and Accessory Structures

CONCLUSION

The focus of this research was communities that have legalized or otherwise endorsed establishing and regulating tent camping facilities and similar facilities with clusters of “tiny homes” as a method to provide short term shelter for the homeless. The jurisdictions studied included the cities of Seattle (Washington), Austin (Texas), San Jose (California), Fresno (California) and Detroit (Michigan). In addition, applicable PCC and Oregon requirements were reviewed to identify potential barriers and opportunities to implement comparable programs in the city of Portland.

Key Points

- In some cases, tiny home transitional housing is being built by faith-based organization by relying on the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) rather than changes to land use regulations.¹¹
- Even though tiny house villages may serve functions similar to emergency shelters - HUD may not count tiny house villages as ‘shelter’. This means that residents of tiny house villages may still be part of a city’s unsheltered persons count.
- If provided with plumbing and electricity, units may be expensive to build. A report by the Washington State Advisory Council on Homelessness found that tiny, self-sufficient homes cost approximately \$40,000-\$70,000 per unit not including land and operations costs.¹² Although they have a smaller footprint than single-family homes, tiny homes may not use land as efficiently as multi-unit residential buildings.¹³
- Some jurisdictions have kept units under the threshold size for a building permit in order to expedite the process and keep costs down.
- Federal or state funding sources may require commercial prevailing wage rather than residential rates if tiny houses don’t meet the definition of residential construction.
- The ability to secure one’s belonging and leave to obtain food and services was noted by occupants as a major advantage of tiny houses over tents.
- Potential implementation concepts for Portland:
 - Consider creating a new category within the 33.285, Short Term Housing and Mass Shelters, and new standards in 33.285 for community service RV parks which could include park

¹¹ Nashville church's tiny home village faces zoning challenge

<https://www.tennessean.com/story/news/2017/05/17/nashvilles-churchs-tiny-home-village-faces-zoning-challenge/322126001/>

¹² <http://www.commerce.wa.gov/wp-content/uploads/2017/12/hau-sach-tiny-shelters-report-12-14-2017.pdf>

¹³ <https://www.usich.gov/news/asking-the-right-questions-about-tiny-houses/>

model tiny houses and tent camping spaces. The park would also be subject to Ch. 24.90 Manufactured Dwelling Installation and Accessory Structures, Manufactured Dwelling Parks, Recreation Parks, Recreational Park Trailer Installation and Accessory Structures.

- Consider amending Chapter 33.285, Short Term Housing and Mass Shelters, to include standards for transitional housing accommodations. The City should consider whether the transitional housing described in ORS 446.265 should be permitted at Religious Institutions, Colleges, and Schools or if a different type of shelter is intended as an accessory use.