

Planners Advisory Service Response

Scott,

Regarding your request for information on how cities are regulating tiny houses:

We were first asked about "tiny houses" several years ago, and at the time we pretty much struck out on finding any resources on regulating tiny houses beyond articles and blog posts from tiny house advocates reporting on the multitude of regulatory barriers to this housing option. Unfortunately the same is for the most part holding true today. Though there is still plenty of blog activity (and even a Portlandia sketch) discussing the merits of and to some extent the regulatory issues around tiny houses, for the most part we haven't seen any evidence that municipalities are defining and regulating "tiny houses" as a specific use. For example, the city of Eugene, Oregon, talked about "microhousing," but decided there was no need to adopt a specific ordinance for tiny houses at this time. Likewise, Huerfano County, Colorado, declined the opportunity to change its code to address tiny houses, stating that it would wait to take action on this issue until such time as there was a market for tiny houses, and in the meantime residents could simply use the variance procedure if they wished to pursue approval for a tiny house.

As you note, because many tiny houses are built on wheeled chassis to be portable, in many cases their regulation would fall under that of RVs, and indeed at least one tiny house advocate recommends that approach. As suggested above, one way cities can allow tiny houses is by granting variances to minimum square footage requirements for single-family homes, though depending on variances to allow a certain use is bad zoning practice. Tiny houses on permanent foundations may also be regulated through detached accessory dwelling unit regulations if placed on a lot with an existing residential structure; often, detached ADUs are very limited as to their allowable maximum size, so tiny houses fit right in to this use category. Anecdotally, it seems like most tiny housers are either working one-on-one with local planners and officials to try to meet code requirements for legally building and living in their tiny house, or else they just build their tiny house and try to stay "below the radar" and out of the notice of code enforcement officials. See below for some tiny house advocates discussing the current regulatory climate for tiny houses.

According to tiny house websites, there are a number of tiny house communities in the U.S. I was not able to find any references to municipal regulatory approaches to tiny house communities except in two contexts: a tiny house community modelled on a mobile home park in the planning stages in California, and recent municipal activity around permitting tiny houses as a component of homeless encampments.

Regarding the former example, in Sonoma County, California, a tiny house developer has gotten a bit of media attention for his vision of a tiny house community modeled on a mobile home park model to be located on land zoned for mobile home parks. I have corresponded with the county's planning director about this project and he would love to approve it to provide a sorely needed affordable housing option for residents; however, it appears that the advocate behind the plan is having a hard time turning his vision into reality and the project has stalled. See below for links to a website and article on that proposal.

Regarding the latter, below I've provided some resources on how municipalities are looking at tiny housing as a homelessness solution. Olympia, Washington, adopted an ordinance in 2011 providing for a "County Homelessness Encampment," a conditional use that allows for up to 30 tents or "cottage structures" to be built along with a shared community facility providing restrooms, showers, kitchen facilities, etc. Other cities have approved planned development projects of tiny housing for the homeless. Madison, Wisconsin, recently approved a planned development project siting multiple tiny houses—called "portable shelters"—on a former auto repair facility site as homeless housing. Another tiny house homeless community is also underway near Austin, Texas; Travis County approved a 27-acre master-planned community offering a range of different tiny housing options for the chronically homeless. Finally, the mayor of Portland, Oregon, recently announced a task force to look into the provision of tiny houses as a homelessness solution.

I hope you find this material helpful! Thank you for using the PAS Inquiry Answer Service, and please let us know if we can be of further assistance.