



March 6, 2019

Representative Jeff Barker, Chair
House Committee on Business and Labor
900 Court St. NE
Salem, Oregon 97301

RE: SUPPORT for HB 2423-Adoption of Small Home Specialty Code

Chair Barker and Members of the Committee:

Thank you for the opportunity to present testimony regarding HB 2423 and the -2 amendment, which would adopt the International Residential Code's Appendix Q as a small home code in Oregon. The City of Eugene supports this bill for three simple reasons: 1) it establishes reasonable, uniform statewide construction standards for small homes; 2) it provides clarity and consistency with national model codes; and 3) it provides a sunset date for the legislation, ultimately moving the Small Home Specialty Code into the regular code-adoption process.

As many of you may know, the Eugene community and the City have been collaborating on the building of 'tiny homes' over the past number of years. Our City Council and community are invested in finding innovative ways to address the housing shortage and provide safe and healthy habitation to members of our community through transitional housing opportunities. This is a very engaged process with the small home development community and the City's code professionals. This collaborative effort has garnered national attention as our Opportunity Village and Emerald Village projects have been highlighted in national media and via municipal leadership as examples of models that work.

Yet, despite the efforts of our community and our staff, the process of obtaining approval for a tiny home design can be time consuming and unpredictable for the tiny home developer. Features that are incorporated into almost every tiny home design, like sleeping lofts, are not addressed in the current adopted code in a way that provides a practical path to build them in a compliant manner. As a result, discretionary judgement is often necessary to determine code-compliance, and designers are often motivated to find creative ways to meet their desired goals. Lofts, for example, are often represented as storage spaces to avoid code requirements, with every likelihood that they will be used as sleeping spaces by future occupants. This is obviously not ideal and makes it difficult for the city to effectively administer the codes and ensure a reasonable level of safety in these structures.

Tiny homes are a reality. There is a growing demand for these types of simple residences, and reasonable, predictable, obtainable minimum standards for their safe construction are needed. Consistent with our other building codes, standards for tiny homes should be consistent state-

wide and based on nationally recognized codes and standards. With the passage of HB 2423, application of the IRC's Appendix Q provisions will meet those goals.

In September of 2018, the Oregon Building Codes Division (BCD) proposed, and later adopted, Rules to include aspects of Appendix Q within the rarely used 'Reach Code' as a statewide alternate method. At that time, Eugene and fifteen jurisdictions submitted comments opposed to the use of the Reach Code as a vehicle for a small home code, and the inclusion of local permitting and inspection of 'tiny homes on wheels'. That letter is provided as part of the testimony for the March 6th public hearing for HB 2423. Since that letter was submitted, nothing has changed. Jurisdictions are still working to figure out to locally interpret and administer the Reach Code provisions, as well as apply standards to mobile units that can leave a jurisdiction as soon as they are completed. The use of the Reach Code is not a tenable situation and does not address the need for local communities and tiny home developers to utilize a transparent, national standard based, predictable plan review and inspection process.

Finally, Eugene recognizes that the Legislature is not the ideal body for the details and particulars of building code adoption. We support the amendments to HB2423 establishing a sunset date, as we believe that, unless special circumstances make it necessary, building codes should be adopted through the normal state process. This allows stakeholders and the appointed members of the Code Boards to represent the health, welfare, and safety of our communities through in-depth review processes.

In closing, again, Eugene thanks you for the opportunity to present testimony in Support of HB 2423 with the -2 amendment, and ask that you provide a 'Do Pass' recommendation for this bill.

Sincerely,

Submitted Electronically.

Mark Whitmill
Building Official
City of Eugene