



INTERNATIONAL
CODE
COUNCIL®



MODEL LEGISLATION TO ENABLE THE USE OF **AFFORDABLE, SAFE, SUSTAINABLE AND EFFICIENT** TINY HOUSES

Across the country, communities are working to address the availability and affordability of housing. Tiny houses, either on their own property or as an accessory dwelling unit, have been identified as part of the solution. Tiny houses are characterized by their small size and can be constructed with or without a chassis and wheels.

Because many tiny houses can be moved, there is confusion regarding tiny house construction. Members of the tiny house industry and the building safety industry recognized that to be a viable housing option for permanent occupancy, tiny houses must adhere to the health, safety, and efficiency requirements for permanent residential structures. This can be achieved through the application of the International Residential Code (IRC) to these structures. To provide additional flexibility for tiny houses, recognizing the limited space availability, Appendix Q in the 2018 edition of the IRC was introduced (in the 2021 IRC the appendix is Appendix AQ).¹ While design and construction requirements are tied to the IRC, tiny houses with a chassis and wheels may also be subject to additional requirements to support their transportation. In this case, additional certifications may be required.

Tiny houses can be built on-site or fabricated at another location. Like other off-site construction processes, the fabrication of tiny houses off-site often means that components cannot be adequately inspected on-site. Inspection must shift to the fabrication site. Fortunately, a well-established process for the plan review and inspection of off-site construction already exists and should be leveraged. Many states have statewide programs that manage the approval of off-site construction components of projects. The International Code Council and Modular Buildings Institute have captured best practices from these programs in two standards, ICC/MBI Standards 1200 and 1205, that can be used to enhance existing state programs or establish new programs where they do not yet exist. The standards can also be used to support off-site construction in local jurisdictions where a statewide program does not exist.

¹ Tiny houses on wheels with a permanent chassis over 320 square feet are subject to the Manufactured Home Construction and Safety Standards administered by the US. Department of Housing and Urban Development. Where these requirements apply, a manufacturer may opt-out if they then follow requirements equivalent to those contained in a model building code.

To ensure that tiny houses fabricated on- or off-site are designed, constructed, and certified to the same health, safety, and efficiency requirements for other structures to be used as permanent or primary residences, the following model language provides an approach.²

Add the following statement to the law covering the adoption of residential building codes:

- a. Tiny houses shall conform to the requirements of the current [International Residential Code] as adopted and amended by the [State/Locality/Department].
 1. Tiny houses include all residential structures, designed to be used as permanent or primary residences regardless of their ability to be moved, that meet the definitions in Appendix AQ of the International Residential Code as adopted and amended by the [State/Locality/Department].
 2. The [State/Locality/Department]'s adoption of the [International Residential Code] shall include the provisions contained in the International Residential Code Appendix AQ entitled 'Tiny Houses.'

Add the following section to the relevant law covering the regulation of off-site/industrial/pre-fabricated/factory-built/modular construction:

Section ---. Tiny Houses

- a. This section applies to all tiny houses fabricated or assembled on a separate building site than where it will be installed and which has been constructed in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.
- b. Tiny houses shall include all residential structures, designed to be used as permanent or primary residences regardless of their ability to be moved, that meet the definitions in [Appendix AQ] of the [International Residential Code] as adopted and amended by the [State/Locality/Department].
- c. Tiny houses shall conform to the requirements of the current [International Residential Code] as adopted and amended by the [State/Locality/Department] which shall include Appendix AQ of the International Residential Code.
- d. The requirements for approval of tiny house manufacturers and the plan review and inspection of tiny houses shall be [the same as applied to [modular/pre-manufactured/factory built] residential structures OR in compliance with the latest editions of ICC/MBI Standard 1200 and ICC/MBI Standard 1205].
- e. Where local jurisdictions inspect residential construction and offer inspections of tiny houses, manufacturers may have units inspected by the local jurisdiction consistent with the inspection requirements for site-built residences. When such an approach is used, all requirements of this section except subsection (d) shall apply.
- f. Manufactured homes constructed under the requirements of the United States Department of Housing and Urban Development do not fall under the scope of this subpart.
- g. All approved factory-built tiny houses shall have an insignia affixed to each module or unit which certifies that the unit complies with the [state's/locality's] current construction codes and this subpart.
- h. Local governments shall retain full control over all matters relating to site installation, including subdivision controls, zoning issues, site grading, foundation installations, and utility hookups.

² Recognizing that states or localities may have different policies and procedures, the Code Council can help formulate legislative language to address those differences. Contact Joe Sollod (jsollod@iccsafe.org) for assistance.