



## TINY HOUSES

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Tiny houses are increasing in popularity as a housing option across the country. This *issue brief* provides a general overview of the various legal obstacles sometimes faced by individuals who want to own and live in a tiny house in Colorado. It also provides several examples of local and state actions to address the planning needs for tiny houses.

### Background

A tiny house is typically defined as a residential dwelling that has between 100 and 400 total square feet of living space. There are two main types of tiny houses — on-foundation and off-foundation (built on trailers with wheels), which determines the regulations applicable to a specific tiny house.

Individuals who support the tiny house movement look to tiny houses as a way to decrease their housing costs, simplify their lifestyle, and decrease their energy consumption. Some also desire a way to make their housing portable with tiny houses on wheels.

Local communities that support the tiny house movement view tiny houses as a way to increase the supply of affordable housing, attract a new set of taxpayers to the community, increase housing diversity during redevelopment efforts, and help to develop unique parcels of land. However, these communities may find it challenging to authorize tiny houses within existing local

ordinances while also minimizing any negative impacts on residents' health, public safety services, traffic, parking, and property values.

### General Challenges

**Building codes.** Tiny houses that are built on foundations are permanent structures and must comply with all applicable local residential building codes. In Colorado, each local jurisdiction may adopt its own residential building code. Many jurisdictions choose to adopt the International Residential Code (IRC) with amendments or exemptions, which is regularly updated. Building codes often include requirements related to the minimum square footage of rooms, minimum room dimensions, bedroom windows, stair measurements, and bathroom spacing, which many tiny houses are not able to meet.

**Recreational vehicles.** Off-foundation tiny houses are mobile structures, often constructed on a trailer with wheels, and are often classified as recreational vehicles (RVs). While there are rarely any minimum building or structural codes applied to RVs, some local jurisdictions may require an off-foundation tiny house owner to obtain certification that the tiny house meets general safety standards. However, many local jurisdictions do not allow for the permanent occupancy of RVs. Additionally, local communities may have rules in place that prohibit RVs from being parked in a neighborhood for extended periods of time.

**Residential zoning ordinances.** All tiny houses must conform to any applicable local residential zoning ordinances. These zoning ordinances often place minimum requirements on a residence's total square footage, lot size, and setbacks from the property line and may restrict the number of residences that can be located within a given area. In addition, zoning ordinances may require water and/or sewer hookups for primary residences, which may defeat the intended purpose of owning an off-foundation tiny house that is designed to be portable.

**Accessory dwelling units.** Local zoning ordinances may classify tiny houses that are located on the same property as a larger residential dwelling as an accessory dwelling unit (ADU), also sometimes referred to as a second dwelling unit, in-law unit, or granny cottage. An ADU must be permitted by the local jurisdiction. Many jurisdictions prohibit these ADUs from being a primary residence, particularly for non-relatives, and from being rented out.

## Local and State Action

Several local jurisdictions across the country, including Colorado, and one state have taken actions to make it easier to locate and live in a tiny house. Several examples are included below.

**Walsenburg, Colorado.** In 2014, the Walsenburg City Council adopted Ordinance No. 1045, which allows the planning commissioner to consider variances to the minimum floor area required for residential dwellings in certain residential zoning districts. This change allows for on-foundation tiny houses with city water and sewer hookups to be built on residential lots at the discretion of the planning commissioner.

**Durango, Colorado.** The Durango City Council recently updated its land use and development code related to ADUs. The updated code allows permitted ADUs, including those that are detached and less than 550 square feet, in certain zoned locations that meet specific lot size requirements. The code also allows either the principal residence or the ADU to be rented to a non-owner, and in certain approved circumstances, both the ADU and principal residence may be rented out to a non-owner. The code still requires ADUs to meet certain setback and parking requirements and to follow applicable design standards.

**Rockledge, Florida.** In 2015, the Rockledge City Council amended the city's land development regulations related to redevelopment mixed-use districts to allow for tiny house communities. The updated code allows for up to 14 dwelling units, including tiny houses, per acre. The updated code also exempts tiny houses from the minimum square footage requirement of 1,200 square feet that is applied to other detached dwelling units.

**Washington state.** The state of Washington currently has a statewide building code (SBC) that can be amended by local jurisdictions. The Washington legislature is considering a bill (House Bill 1123) aimed at decreasing roadblocks to tiny house construction, while recognizing tiny houses as a way to meet the need for sustainable and affordable housing in the state. HB 1123 would prohibit counties and small cities with a population of less than 125,000 from amending the SBC in ways that restrict or regulate the minimum total floor area in single-family homes.