

# TINY HOUSES IN CHESTERFIELD?

## CODE FACT SHEET

Reprinted by Permission of the Town of Hadley Inspection Services

December 7, 2016

### OVERVIEW

“Tiny Houses” have received a lot of attention and interest recently. They are very new and as such regulation, on every level - federal, state and local - have not been modified to accommodate their placement within most communities. The following information is provided to clarify how these structures are presently viewed by the Town governing bodies. Tiny Houses do not “fit” into any local or state regulation. Many people have stated that they are in a “grey area” of regulation.

Tiny Houses usually range in size from about 100 up to 400 square feet. Some Tiny Houses are designed as trailers and their owners will usually refer to them as park models or recreational park trailers since they are constructed on trailer chassis with axles and wheels. If they are constructed without axles and wheels their owners may refer to them as modular buildings.

The main issue with Tiny Houses is that they cannot be defined as either an RV, trailer, modular home or as a manufactured house. The current regulations as written, be it under the Department of Housing and Urban Development (HUD), Department of Health, Building Codes, Recreational Vehicle Industry Association (RVIA), Modular Homes or even Local Zoning; Tiny Houses fall short in all definitions.

### ZONING REQUIREMENTS

Municipalities establish zoning ordinances in order to regulate buildings and land use. There are numerous regulations including the following: land use, location, building setbacks, the number of stories and the size of buildings as well as others. Zoning regulations, as with Chesterfield’s zoning regulations, are promulgated to promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the dangers from fire and congestion and to improve the Town under the provisions of MGL c. 40 A. Zoning ordinances will always vary from town to town. In Chesterfield, the minimum building lot size is two acres with a minimum lot frontage of 200 feet. See section 3.2 of the Chesterfield Zoning By-laws. Chesterfield does have a By-law that regulates accessory type apartments, through a special permit process. The apartment must be on the same site, and be accessory to an owner occupied main dwelling.

### BUILDING CODE

Tiny Houses, like other houses, are required to comply with the State of Massachusetts Building Code 780 CMR (Commonwealth of Massachusetts Regulation) since they are considered a dwelling unit. Presently the State of Massachusetts has adopted the 2009 edition of the International Residential (Building) Code with Massachusetts amendments. This is a standard that applies state wide. This building code is a set of **minimum standards** that specify construction requirements for buildings.

The State of Massachusetts Residential Code defines a dwelling as a single unit which provides a complete independent living facility for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The code includes requirements for light, ventilation, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms.

As written some of these 780 CMR regulations can easily be met for a Tiny House, while others not at all. Certainly regulations can be modified so an average tiny house could meet all of the regulations but unfortunately this will take some time and much hard work for this to ever happen. International Building Code

regulations presently can be modified through a precise systematic process only. Any code change is voted upon by all ICC members once every 3 years.

## **RECREATIONAL TRAILERS (RV's)**

Recreational trailers, commonly referred to as RV's, are temporary living units on wheels. Many sizes and shapes exist. They are used for camping and vacations by families to visit the outdoors throughout the continental United States and beyond. Some people do live in them continuously throughout the year but not in one permanent place. The construction of an RV is regulated by an ANSI standard (A119.5) and is self-certified by the manufacture through the Recreational Vehicle Industry Association (RVIA).

Another form of an RV is commonly referred to as a Recreational Park Trailer. These are easily identified, since there are certain unique characteristics that are not found on a standard RV trailer. They normally are very boxy and mimic a conventional house with a pitched roof and windows and doors that are usually found on standard houses. They are constructed with the understanding that they are usually trailered on a road for a short distance and placed on site and not usually moved thereafter. *Recreational Park Trailers are usually situated in trailer parks or in communities so zoned exclusively for them.* The gross floor area does not usually exceed 400 square feet but when they do they must comply with HUD's manufactured housing program as a manufactured home. HUD defines the gross square footage as encompassing the full width and full length of the unit including possible porches. HUD manufactured houses must have a data plate attached to the unit that includes the following: name and address of the manufacturer, a serial number or vehicle identification number (VIN) of the unit, the date of manufacture and a statement that the unit meets ANSI A119.5.

## **MANUFACTURED HOUSING**

Manufactured housing, within the State of Massachusetts, is regulated by the State of Massachusetts Building Code section 110R3. Under this section manufactured homes is defined by 24 CFR, Part 3280.2 Department of Housing and Urban Development. The definition states that a structure which has been constructed by a state approved manufacture and inspected by an approved third party agency, for compliance assurance. Manufactured Housing units are designed and authorized, through the state, to be transported over open roads. Each section or module is eight feet or more wide and forty feet or more in length and when erected shall be 320 square feet or more in size and which is built on a permanent chassis and designed to be used as a dwelling. They are usually placed on a permanent foundation in order to allow the structure, as a whole, to be anchored so it will meet code on wind. The sections are pre-approved, by the third party inspection system, within the manufactured warehouse, for all electrical, plumbing heating and air conditioning prior to leaving the manufacturer. Enforcement of manufactured housing is at the state level not the local level and is controlled by The Department of Public Safety. A data plate is attached to each unit that includes the following information: design loads, code edition that the unit was designed under, label number, serial number, and model designation, date of manufacture, name and address of manufacture.

## **SITE BUILT STRUCTURES**

The most common form of construction for single family structures is with site-built structures or commonly referred to as stick-built. Construction of a house is regulated by the State of Massachusetts Residential Building Code 780 CMR, which is presently based on the 2009 International Residential Code (IRC) with Massachusetts amendments, and by MGL c. 142A which requires the construction of a house be performed by a registered contractor within the state. An exemption from this requirement can be obtained which allows a homeowner to build his or hers own home. This exemption can be obtained from the local Building Official. By following

this procedure; the owner who files their own application will not have access to the arbitration program or guaranty fund under MGL c. 142A.

Site built structures require numerous inspections throughout the construction phase in order to show compliance to various code regulations. If all inspections pass and the structure is finished a Certificate of Occupancy is issued by the Building Official to allow the structure to be occupied.

## **SUMMARY**

- If a Tiny House is built on a chassis it must either conform to HUD requirements as a park model or it must conform to an RV as defined under RVIA rules and regulations. The builder would be required to show that the structure is certified under one of these two regulations.
- If it does not have a chassis, or is constructed so the wheels and axles are removable, it must either be prefabricated and follow the requirements under the State of Massachusetts Building Code section 110R3 or be site-built and follow the State of Massachusetts Residential Code and be inspected throughout the construction phase by local Code Officials.
- The bottom line is that whatever way the tiny house is constructed it must have some type of inspection process during the construction phase and *must have some type of regulated approval*.
- As for placement onto land, the tiny house will be subject to some sort of zoning regulation. Presently there are very few towns within the state that allows for tiny house placement. Chesterfield, presently, is one of those towns. Zoning will have to be amended to allow for tiny houses.

Disclaimer: Please Note that this Fact sheet has been compiled by The Town of Hadley and edited to conform with the regulations of the Town of Chesterfield with information gathered from several sources. It is as accurate as possible but could be subject to errors. When using this fact sheet the reader is strongly advised to check out all of the facts.