

The Tiny House Trend

“Tiny Houses” has recently become a household term, although there is not a universally-accepted definition. In general, tiny houses are “mobile” or “modular” houses, typically between 100 – 400 square feet in area, whereas the average size of a new home today in the United States is approximately 2,600 square feet. Tiny houses are manufactured off-site and are brought to the site via a truck with a hitch or flatbed truck. Tiny houses may or may not have a permanently attached chassis or wheels and tend to have higher-quality exterior and interior materials than traditional “mobile” homes. Tiny houses do not typically exceed 500 sq. ft.



An idealized image of a tiny house with built-in chassis.

Proponents of tiny houses claim that they are more affordable than traditional “stick-built” homes and are better for the environment, requiring less land, using less building materials and requiring less energy for heating and air-conditioning. Tiny houses are commonly used as the primary dwelling unit or an accessory dwelling unit for aging parents or guests.

Many communities are facing the challenge of how to regulate tiny houses. To determine appropriate regulation at the local level, it’s useful to compare them to the types of smaller homes already in existence. For explanatory purposes, and when considering the Massachusetts State Building Code, small “homes” today can be grouped into the following categories:

1. **Recreational Vehicle (RV):** a vehicle designed for recreational use (as in camping).

Motor Home: a large motor vehicle equipped as living quarters.

(Merriam-Webster definitions)

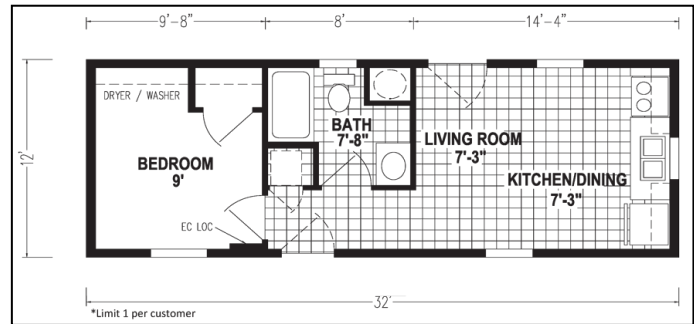


2. **Manufactured Home** (aka Mobile Home): A living space that is manufactured off-site, *with a chassis that is permanently attached to the unit.*



Per the Massachusetts State Building Code (780 CMR 120.K201): “A structure transportable in one or more sections which, in the traveling mode, is eight body feet (2,438 body mm) or more in width or 40 body feet (12,192 body mm) or more in length or, when erected on site, is 320 or more square feet (30 m2), and which is *built on a permanent chassis* and designed to be used as a dwelling with or without permanent foundation when connected to the required

utilities, and includes the plumbing, heating, air-conditions and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of 780 CMR 120.K201 MANUFACTURED HOME except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under 780 CMR 120.K. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.”

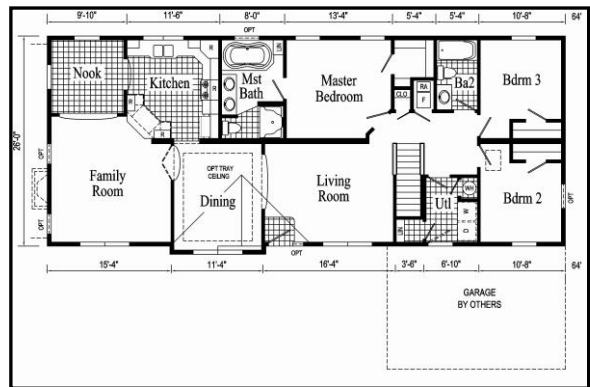


3. **Manufactured Building** (aka Modular Home): A living space that is manufactured off-site, *without a permanently attached chassis.*



Per the Massachusetts State Building Code (780 CMR 3502.0): “Any manufactured building which has concealed elements, such as electrical, mechanical, plumbing, fire protection, insulation, and other systems affecting health and safety, and which is manufactured or assembled in accordance with 780 CMR

and pertinent regulations, in manufacturing facilities, on or off the building site. Also any manufactured building as defined above which does not have concealed elements, but which has been approved by the BBRS at the request of the manufacturer. “Manufactured building” does not mean, “manufactured home”.”



4. **Small, traditional house** (aka “stick-built” house): A stick-built home is a wooden house constructed entirely or largely on-site; that is, built on the site which it is intended to occupy upon its completion rather than in a factory or similar facility. (Wikipedia)



When compared to the general categories in existence today, tiny houses can be classified as either **manufactured buildings** or **manufactured homes**, depending on whether a chassis is permanently attached to the dwelling (#2 or #3, above). Tiny houses do not possess enough unique physical features to justify separate land use regulations. A local bylaw or ordinance for tiny houses is discouraged, although a local definition of tiny houses may refer to manufactured buildings and manufactured homes.

If local regulations are not in place for the different types of smaller homes but are desired, the following should be considered:

- Local zoning cannot regulate exterior building materials, except as required for safety per the State Building Code. (M.G.L. c. 40A, § 3)
- Local zoning cannot set a minimum size for a house (M.G.L. c. 40A, § 3). The minimum house size is determined through the State Building Code and local regulations for height, area, bulk and requirements (setbacks). For example, a bedroom must be at least 70 square feet, and at least 7' wide in either direction.
- The State Building Code requires that each *dwelling* must have a kitchen, living room, sleeping room and bathroom.
- The State Building code does not apply to the interior of any RV, mobile home or modular home. Essentially, if the unit is constructed off-site and transported to the site in boxes, Federal building regulations apply.

For more information on this topic or other land use issues please contact Christopher Gruba, Senior Land Use Planner at cgruba@berkshireplanning.org or (413) 442-1521 ext. 12. Also consider visiting our website at www.berkshireplanning.org to learn how BRPC can assist your municipality.