

# Current Small Home Construction Standards and Planned 2026 Updates

## Executive Summary

The statutory provisions that govern construction standards for small homes and exclusion of small homes from the prefabricated structures program are set to sunset in 2026. At that time, barring additional statutory changes, small homes will be included in the state prefabricated structures program, and the Building Codes Division intends to adopt code changes that account for the safety risk associated with sleeping lofts and ladders, regardless of home size, in partnership with the Residential and Manufactured Structures Board.

## Background

In Oregon's 2019 Legislative Session, House Bill 2423 created a new definition of "small home" in statute. A small home is a single-family residence not more than 400 square feet in size. The bill also required a small home be built in accordance with the unamended 2018 International Residential Code (IRC), including Appendix Q, which contains specific provisions related to the construction of small homes, and their unique needs and safety issues. The IRC, including the 2018 iteration, requires all newly constructed dwellings be provided with residential fire sprinkler systems. In addition to this model code requirement, the legislature specifically listed the residential fire sprinkler system as a separate and distinct requirement of the defined small homes in ORS 455. This statutory language can be found in statute at ORS 455.616. Local building officials have the discretion to approve project-specific alternates to the residential fire sprinkler systems included in statute.

Some small home builders had expressed that the code standards that existed prior to the statutory changes were too restrictive and did not offer enough flexibility on safety measures unique to small homes. The legislative adoption of a specific code was intended to provide certainty and predictability for builders. ORS 455.616 is split into temporary provisions that are currently in effect and permanent provisions that will go into effect when the temporary provisions sunset on January 2, 2026. The temporary provisions create the requirements that small homes comply with the 2018 IRC as well as the specific residential fire sprinkler requirements. The permanent provisions do not include the same specific technical requirements or model code references but instead direct the division to create construction standards for specific components common in small home design within the state building code. The standards are only required to address or include provisions for sleeping lofts and the use of ladders or alternating tread devices as the primary means of egress from sleeping lofts. This statutory construction is more in line with the statutory directives for creating the other specialty codes that are developed by the division in partnership with the appropriate advisory boards.

## **Additional context**

At the time of passage of HB 2423 there was also regulatory confusion between site built permanent small homes and other products that were built off-site and transportable or relocatable such as “tiny homes on wheels”, recreational vehicles, and manufactured homes built to federal construction standards. Builders and purchasers who were not following existing code paths were having difficulty getting financing, proof of ownership, local zoning and land use approvals, and were facing other regulatory challenges. HB 2423 along with other legislative action was intended to clarify what code a site built permanent small home had to follow, and to differentiate that product from those on wheels that needed to follow a different regulatory path more akin to a recreational vehicle with appropriate title procedures through the Oregon DMV. One part of this differentiation was not allowing prefabricated small homes which are constructed offsite to be permitted through the statewide prefabricated structures program until the national and model codes could be updated. This restriction on prefabricated small homes is scheduled to be repealed on Jan. 2, 2026. During this time, the Building Codes Division (the division) has worked closely with local building officials to identify local off-site inspection pathways, related allowances, and approval flexibilities that currently exist in the statewide code for facilitating modular or off-site small home construction.

## **January 2, 2026, code status; ORS 455.616**

The division plans to adopt provisions for constructing homes that include the use of sleeping lofts with ladders and alternating tread devices as the primary means of egress. In addition, the division plans to include a residential fire sprinkler system requirement that only applies to the sleeping loft space and the room (compartment) in which the sleeping loft is located and open to. The fire sprinkler requirement will be paired with language that is similar to the previous statute regarding system design and the discretionary authority for local building officials to approve other project-specific safeguards. Sleeping lofts pose a heightened, and untested fire and smoke accumulation risk. This risk can likely be sufficiently mitigated by installing a simple, residential-grade “dwelling” fire sprinkler system limited to the sleeping loft area and the atmospherically connected room (compartment) in which it is located. This will address the increased level of risk, while not requiring that the fire sprinkler system be extended to the entire home. These systems are often connected to the plumbing system and are not nearly as involved or restrictive as fire sprinkler systems commonly encountered in public or commercial buildings and commonly thought of when considering fire sprinklers. Homes that do not contain sleeping lofts will not be subject to the residential fire sprinkler requirement. These provisions will be aligned with the rest of the Oregon Residential Specialty Code (ORSC), including any other required safety standards, and the requirements for sleeping lofts will be applicable to all structures that are governed by the ORSC, regardless of size (i.e. the presence of the sleeping loft, not the size of the home, will trigger the additional safety measures). These provisions are subject to approval by the Residential and Manufactured Structures Board.

The code will be available for use for any structure, either site built or through the state prefabricated structures program, that is governed by the ORSC. These standards will not be applicable to “tiny houses on wheels,” recreational vehicles, or other structures that need to comply with vehicle construction requirements and titling processes. The division does not regulate any type of wheeled structure. Additionally, these standards will not apply to manufactured homes which are regulated by the federal government or to transitional housing, which is regulated by local municipalities. These code updates will be done through the public code adoption process based on existing national model code standards. If there are no statutory changes in 2025, the division anticipates that this work will occur in 2025 and will have an effective date of January 2, 2026.

## Additional background materials

2019 LPRO Tiny Home Background Brief (note: some of the technical information is now outdated)  
[Oregonlegislature.gov/lpro/Publications/Background-Brief-Tiny-Home-Regulation-2019-rs.pdf](https://Oregonlegislature.gov/lpro/Publications/Background-Brief-Tiny-Home-Regulation-2019-rs.pdf)

### Current small home statute

**Note:** Sections 1 and 2, chapter 401, Oregon Laws 2019, provide:

**Sec. 1.** Sections 2 and 9 [455.616] of this 2019 Act are added to and made a part of ORS chapter 455. [2019 c.401 §1]

**Sec. 2.** (1) As used in this section, “small home” means a single family residence that is not more than 400 square feet in size.

(2) Notwithstanding ORS 455.020 and 455.030, the 2018 International Residential Code, including but not limited to Appendix Q of that code, is adopted as a Small Home Specialty Code applicable to the construction of a small home.

(3) Notwithstanding ORS 455.035 and 455.110, the Director of the Department of Consumer and Business Services shall amend the Low-Rise Residential Dwelling Code as necessary to ensure that for a small home the technical provisions of the Small Home Specialty Code adopted under this section supersede any conflicting technical provisions of the Low-Rise Residential Dwelling Code.

(4) Notwithstanding ORS 455.020 and 455.030, and subject to section 9 of this 2019 Act [455.616], the director may not adopt rules amending the Small Home Specialty Code. The director may report recommendations for amendment of the Small Home Specialty Code to an interim or regular committee of the Legislative Assembly related to business, in the manner provided under ORS 192.245.

(5) A small home must be constructed with at least one listed photoelectric smoke alarm. The alarm must be installed and located in accordance with the listing requirements specified by the manufacturer, as determined by the Department of Consumer and Business Services or the State Fire Marshal.

(6) Each small home shall be considered a single compartment for purposes of residential fire sprinkler design. The design calculation for a small home sprinkler system shall consider a maximum of two fire sprinklers. The fire sprinklers shall have a maximum combined design flow that is less than 20 gallons per minute and be served by a water meter of the standard default size for the area where the home is being sited. The residential fire sprinklers in a small home shall, for coverage purposes, be located according to the location requirements of the installation standard referenced in the 2018 International Residential Code.

(7) A municipal building official may allow increased detection and occupant notification, including the installation of heat detector unit alarms, in lieu of a fire sprinkler head for coverage purposes or in lieu of a fire sprinkler system. A building official may allow a replacement under this subsection without establishing that the increased detection and occupant notification is equivalent to a replaced sprinkler head or sprinkler system.

(8) A building official may alter, modify or waive any specialty code requirement for a small home when strict adherence to the Small Home Specialty Code is impractical or infeasible.

(9) The building permits and zoning permits for a small home shall designate the small home as a single family project. The certificate of occupancy for a small home may allow occupancy of the home only for residential use as a single family dwelling. [2019 c.401 §2]

## Small home statute as of January 2, 2026

**455.616 Construction standards for small homes.** (1) As used in this section, “small home” means a dwelling that is not more than 400 square feet in size.

(2) The Director of the Department of Consumer and Business Services shall adopt construction standards for small homes for incorporation into the state building code. The construction standards for small homes must include, but need not be limited to, standards that:

(a) Allow sleeping lofts; and

(b) Allow the use of ladders or alternate tread devices as the primary means of egress from a sleeping loft.  
[2019 c.401 §9]

**Illustrations** of a dwelling implementing a sleeping loft with either a ladder (left) or an alternating tread device (right) as the allowable single exit path from the loft:

