



House Bill 2001 Guidance – Manufactured Dwellings

Background

Manufactured dwellings are defined in ORS 446.003 as any “structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes.” There are three types of manufactured dwellings identified in state law:

- “Residential trailers” which were constructed before January 1, 1962.
- “Mobile homes” which were constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- “Manufactured homes” which were constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Additionally, any building or structure constructed to conform to the State of Oregon Structural Specialty Code, Low-Rise Residential Dwelling Code, or Small Home Specialty Code is not a manufactured dwelling.

State law includes a variety of protections for manufactured dwellings, including requirements for cities to plan for and allow manufactured home parks and manufactured dwellings on individual lots zoned for single-family residential use (ORS 197.314). Cities are also restricted in the types of regulations they are allowed to apply to manufactured homes. The underlying policy intent of these provisions is to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings.

Relationship to Middle Housing

Senate Bill 1051 (now ORS 197.312(5)) requires local jurisdictions to allow an accessory dwelling unit for each single-family detached dwelling and House Bill 2001 (now ORS 197.758) requires local jurisdictions to allow duplexes on each lot or parcel that allows for the development of a single-family detached dwelling. This has prompted many jurisdictions to consider the appropriate relationship between manufactured housing and middle housing, especially in instances in which middle housing is allowed in a detached format.

More specifically, the question at issue is whether local jurisdictions must allow middle housing in a manufactured home format. Because statutes related to manufactured dwellings came prior to the establishment of middle housing allowances, the statutory language is unclear whether these same protections extend to middle housing. This creates a risk of appeal in circumstances in which a jurisdiction adopts standards that prohibit the siting of manufactured dwellings as middle housing.



Guidance

To ensure substantial compliance with state statute and limit the potential for legal challenge to adopted Middle Housing standards, DLCD provides the following advice to local jurisdictions:

1. **Utilize state definitions related to manufactured dwellings** – ORS 446.003 provides definitions that clarify exactly the types of dwellings that must conform to the statutory protections provided for manufactured dwellings (including manufactured homes) and manufactured home parks. Of particular importance is the exclusion of dwelling types that conform to building codes, ensuring that housing options that contain pre-fabricated components are treated in a similar manner to ‘site-built’ housing.
2. **Allow manufactured homes on individual lots zoned for single-family residential use** – Cities must allow “manufactured homes on individual lots” as a permitted use under ORS 197.314. Cities may only subject the siting of manufactured homes on individual lots zoned for single-family residential use to standards identified in ORS 197.307(8).
3. **Avoid any standard that prohibits manufactured homes** – Such standards are potentially in conflict with ORS 197.314 and risk legal challenge. It is best to avoid these restrictions, including standards applicable to Middle Housing or ADUs.