

## REPORT ON THE CURRENT STATUS AND LEGALITY OF TINY HOMES IN THE RDN

### RECOMMENDATION

That the Board receive this report on the current status and legality of tiny homes in the Regional District of Nanaimo for information.

### BACKGROUND

At the regularly scheduled Regional District of Nanaimo (RDN) Board meeting on May 25, 2021, the Board passed the following resolution:

*No. 21-230 That in recognition of the current challenges with affordable housing in the Regional District of Nanaimo: that staff prepare a report that outlines the current status of the legality of people living in tiny homes - with and without wheels - in the Regional District of Nanaimo, provides information about the approach of other local governments to tiny homes, and identifies potential actions that could facilitate making living in a tiny home legal in the Regional District of Nanaimo.*

In response, this report outlines current regulations, codes and standards as they relate to tiny homes, highlights potential challenges and opportunities to support tiny homes, and provides examples of other local government approaches to permitting tiny homes.

#### **What is a Tiny Home?**

Tiny homes can provide an alternative form of housing that is quick to build and often utilizes green infrastructure and showcases innovative designs and technologies. Local governments throughout BC, continue to experience rising housing costs and reduced rental housing stock causing some to consider alternative forms of housing, such as tiny homes, as a year-round housing option. In addition, a cultural movement to simplify, downsize, or embrace more sustainable and potentially mobile living options has resulted in increased interest in tiny homes.

A recent report prepared by BC Housing, [Tiny Homes – An Alternative to Conventional Housing<sup>1</sup>](https://www.bchousing.org/research-centre/library/housing-forms-designs/tiny-homes&sortType=sortByDate), defines tiny homes as ground-oriented permanent dwellings that are detached, moveable and non-motorized. Tiny homes are smaller in size than traditional housing, typically less than 500 square feet with an average of around 300 square feet. The compact design of tiny homes provides all the amenities of a dwelling unit including a kitchen, bathroom, and sleeping area. While many tiny homes are constructed of wood and are built on a chassis or flat deck (trailer), some use factory built (modular) designs or converted shipping containers as their frame. Tiny homes may be constructed or placed on a variety of foundation options including temporary (on a trailer), permanent and flexible such as a permanent concrete slab or concrete piers and blocks, and those that remain on wheels.

<sup>1</sup> <https://www.bchousing.org/research-centre/library/housing-forms-designs/tiny-homes&sortType=sortByDate>

Tiny homes are used as a principal residence, emergency shelter, vacation home or rental, business or sales centre, workshop/artists studio or food truck. Their use and construction methods establish how local governments regulate them and what codes, standards, and land use regulations apply.

### **Current Regulatory Framework and Implications for Tiny Homes in the RDN**

A high-level review of relevant codes and safety standards and zoning regulations was completed to identify implications for various forms of tiny homes in the RDN and tiny home options that meet current regulations as well as those that do not.

Local governments across British Columbia (BC) are required under the *Building Act* to follow the BC Building Code (BCBC). The BCBC is a provincial regulation that governs new construction, building alterations, repairs, and demolition to ensure requirements for safety, health, accessibility, fire, structural and component protection of a building. The BCBC is based on the National Building Code (NBC), which establishes a baseline for all provincial codes. Small dwelling units and secondary suites that are site built are required to meet the BCBC for residential use.

The Canadian Standards Association (CSA) Group develops and administers standards, also recognized by the BCBC, to ensure that built products and offered services are measured and evaluated against an industry-standard, to ensure quality and safety. The only two CSA standards that are currently recognized by the BCBC and are certified for permanent residential use are CSA Z240 and CSA A277, which apply to manufactured and modular homes.

There are two zoning bylaws in the RDN: “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285). These bylaws regulate permitted uses, density, siting, size and dimensions of buildings, structures and uses, location of uses, as well as shape, dimensions and area of parcels created by subdivision. Currently both bylaws only permit residential use within a dwelling unit or secondary suite and do not permit residential use within a tiny home unless it meets BCBC, CSA Z240-MH or CSA A277 standards. In addition, they do not permit permanent residential use of recreational vehicles (RVs) or park model trailers. These alternative forms of housing have a CSA standard of either CSA Z240 RV or CSA Z241 and are not CSA certified for permanent residential use.

Parcels zoned to permit manufactured home parks allow the siting of homes that comply with CSA Z240-MH or CSA A277 standards. This could include tiny homes with a CSA standard that are also able to meet the BCBC, meaning they are anchored on-site or placed on a foundation. Both zoning bylaws also specifically prohibit recreational vehicles within manufactured home parks.

Attachment 1 – Current Regulatory Framework and Implications for Tiny Homes provides additional information on current regulations, codes and standards as they relate to tiny homes and other comparable forms of housing.

### **Challenges and Opportunities – Supporting Tiny Homes in the RDN**

A multi-stakeholder workshop held by the BC Tiny House Collective in 2016 identified three principal barriers to tiny homes: political, financial, and cultural. While many types of tiny homes comply with zoning and provincial codes and standards for permanent residential use; tiny homes on wheels continue to be a challenge as local government zoning may not permit them. However, in many cases, even if zoning permitted tiny homes for residential use, building codes and safety standards, homeownership and tenure models, and servicing are often barriers to permitting them. Cultural barriers include neighbourhood concerns regarding parking, adequate servicing and potential impacts on wells and groundwater resources, noise from tenants, and fears of increased crime. Potential impacts to neighbouring property values and the stigma of poverty are also often identified as concerns associated with mobile home parks, or similar affordable housing options. Key financial barriers to tiny homes include limited financing options and obtaining insurance. Mortgage financing cannot be obtained unless

the home is on a permanent foundation as it is considered a chattel otherwise and many tiny home owners struggle to find adequate insurance to cover their investment.

The RDN is currently working on two key projects that will provide opportunities to consider the role of tiny homes as a potential form of housing within zoning bylaws and regional policy documents and plans: The Bylaw 500 Review and Update Project and the completion of a Regional Housing Strategy.

Additional opportunities to support tiny homes include utilizing Temporary Use Permits to allow tiny homes that do not comply with zoning or applicable codes and standards for residential use, reviewing existing bylaws and policies to identify barriers to tiny homes, and considering zoning amendments to permit tiny homes within mobile or manufactured home parks. In addition, advocating for amendments to the NBC and BCBC and the creation of a standard specific to tiny homes could facilitate changes that would allow local governments to consider tiny homes a safe, affordable housing option. Additional information on current RDN projects and other opportunities to remove barriers to tiny homes is included in Attachment 2.

### **Other Local Government Approaches to Regulating Tiny Homes**

Local governments throughout BC are taking a variety of approaches to permitting tiny homes in their communities. These include amendments to existing policies and bylaws to support alternative forms of housing, either on a permanent or temporary basis; utilizing Temporary Use Permits to allow tiny homes on wheels as residential dwellings or secondary suites; developing guidelines and development permit areas specific to tiny homes; permitting permanent residential occupancy of recreational vehicles within RV parks; and supporting the development of a tiny home village. A variety of examples of other local governments approaches to regulating tiny homes in their efforts to address the affordable housing crisis and respond to the demand for alternative housing options are included in Attachment 3.

### **FINANCIAL IMPLICATIONS**

There may be financial implications for the 2021-2025 RDN Financial Plan associated with any Board direction to proceed with further work to support tiny homes following receipt of this report.

### **STRATEGIC PLAN ALIGNMENT**

Potential actions the Board may consider in support of tiny homes align with the 2019-2022 Board Strategic Plan key strategic area to promote affordable housing for residents including developing a Regional Housing Strategy with support/tools for affordable housing and advocating for alternative regulations in the BC Building Code to support innovation.

### **REVIEWED BY:**

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### **ATTACHMENTS**

1. Current Regulatory Framework and Tiny Homes in the RDN
2. Opportunities to Support Tiny Homes in the RDN
3. Other Local Government Approaches to Regulating Tiny Homes