

SUBMISSION TO THE CONSULTATION ON CARAVAN PARKS AND REMOVABLE DWELLINGS REGULATIONS

With a special emphasis on Tiny Houses

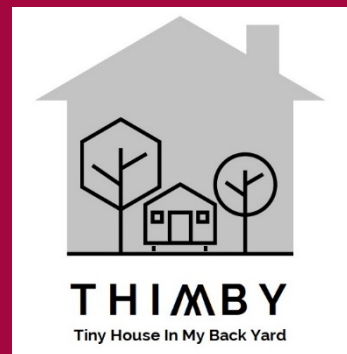
Interact Support Inc &
THIMBY Tiny Houses

22 Parklink Drive

East Cranbourne Vic 3977

Phone 0413 825 479

tinyhouses@interact.support



Submission to the Consultation on Caravan Parks & Removable Dwellings Regulations

Introduction

The State Government has an opportunity in the Review of the Caravan Parks and Removable Dwellings Regulations (CPRDR) to catch up with other Australian States and join the International movement recognising and regulating the construction and siting of Tiny Houses throughout the State of Victoria. Amendments to the CPRDR are the practical underpinnings of reform in this area - to fully implement the necessary changes there is need for a whole of government approach to modify Planning Regulations that regulate siting and to abolish the need for municipal local laws regulating “camping” on private property by addressing amenity issues.

ABOUT THE AUTHORS OF THIS SUBMISSION

Interact Support Inc is a not for profit social enterprise working in Family Violence and Family Law. It is sponsoring a program aimed at providing much needed housing for Women over 50 through the provision of Tiny Houses in suburban backyards.

We believe that there is an opportunity to provide independent housing in the form of appropriately designed Tiny Homes in the backyards of suburban homes, particularly focusing on residences of older women who may be asset rich but are struggling on the pension and could well do with the rental from a Tiny ground lease as well as the support and companionship that comes with the backyard tenant. Renting a room out may be an alternative, but many people see this as an invasion of their personal space, whereas the THIMBY (Tiny House In My Back Yard) encourages both parties to be independent and supportive to the other.

Our principal difficulties are that currently hampered by planning laws that define a Dependent Person’s Unit (or Granny Flat) as one that requires a dependency relationship between the owner of the land and the DPU’s

occupier. While some councils broadly interpret this requirement, others see a much more demanding requirement that harks back to the power and financial relationship of the Dependent Relatives Unit. We believe in a much more sanguine relationship that is more co-dependent (in a positive more literal sense).

THIMBY is both an advocacy effort and the brand name of tiny houses that our project team have designed for the community and to use in a commercial development of Victoria's first Tiny House Hotel that is to be built (STCA) at Loch Sport on the Gippsland Lakes. Its design is more like a large B&B with 5 tiny houses plus communal and retail space than a caravan park as its Tiny homes are for tourist visitors and others wishing to have a tiny house experience over a short duration stay. It does not have facilities for someone with a travelling Tiny Home to visit the site.

The principal author is Paul Kenna Law who is a former Local Government Councilor (the then Shire of Healesville), senior executive officer (former City of Keilor and Brimbank City Council. He has worked as a legal officer with MAV and has participated in Committees of Review for the Kirner Government as diverse as the Review of the Municipal Accounting Regulations and the Prostitution Regulation Committee. Interact and THIMBY are members of the Australian Tiny House Association and are represented by Paul on the MAV advisory Tiny House committee. Paul and his wife Joanne Law were recently awarded a Certificate of Appreciation from the City of Casey for their work bringing the highly successful community event TEDxCasey to the city.

We will seek to limit this submission to the direct questions raised about tiny homes, however we will comment as to the impact on travelling tiny homes as we believe that tourist caravan parks are the most appropriate overnight location. Likewise should a tiny home owner seek to utilize a more permanent location with long term lease we would seek recognition of some of the truly unique features of a tiny home that do not occur in park homes. Finally all tiny home users entering into ground lease arrangements in either a park or private residence should be entitled to consumer protection provided by the Residential Tenancies Legislation.

This submission is the opinion of its authors and not of any external committee that they may be a member of.



Consultation Questions

1. Do you support the proposal to introduce categories of registration?

This submission supports the concept of categories of registration and the concept of potential category of a **Single Residential Site** that can apply to a Tiny House being rented to an individual under a written residential agreement.

The reasons for making this recommendation are as follows:

Provides for a single mechanism for administration of amenity issues and does away with the existing variable local laws in application across the state.

Acknowledges and regulates what is happening now and avoids problems associated with stealth camping in backyards

Opens up the potential of a vast untapped housing opportunities yet provides a common administrative structure and consumer protection for occupants.

Brings Victoria into line with advances in this area in NSW and the City of Brisbane but imposes a highly developed administrative regime

Gives the opportunity to be the base level of a tiered approach to regulation that can exclude fire and services issues from regulation (although these issues can be addressed at the planning permit permission stage outside the scope of these regulations)

2. What benefits or drawbacks could the introduction of categories of registration have?

These regulations are a detailed and fair approach to regulate an area that was totally unregulated, and in the case of Tiny Homes in backyards, remains so for all practical purposes.

While a level of regulation is a burden on the community, the benefits outweigh the costs involved.

3. Do the categories suggested above cover all types of park? If not, how should they be changed?

It is recommended that a category of a “**Single Resident Site**” park be adopted as the lowest level of regulation and that category apply to a Tiny House (as defined), a RMD, and a caravan that has internal toilet and bathroom facilities. While this concept appears at first sight as inconsistent with what a caravan park is traditionally identified as, an examination of the use involved shows remarkable similarities. A site with or without a RMD is rented to a resident on a short or longer term basis.

4. What criteria could be used to distinguish between categories to ensure that they are only used for the type of park they are intended for?

In this submission a Tiny House needs to be defined as a particular form of RMD with its own particular variations to the Building Code to take into account the unique nature of a Tiny House.

I define a Tiny House as being a RMD that is moveable on short notice, but not particularly sized for regular touring operations. It is not realistic, although it is done, to travel the country in a 9m tiny house, and it should not be encouraged from a public policy point of view. There are Tiny House looking touring vehicles, usually under 6 metres in length, but these are really Caravans that look like Tiny Houses and should be looked upon as being required to be registered as caravans if they are to be regularly on the road. The compromises adopted in these vehicles are focused more towards the needs of the traveller whereas a Tiny House’s compromises emphasise their use as a permanent home.

Tiny Houses can be on wheels or on foundations that readily enable them to be moved. Regulation of trailers in other jurisdictions that require annual “over the pits” inspections (New Zealand) has seen a move to detachable wheels and sub frames as having wheel and brake assemblies under a stationary Tiny Home for an extended time leads to failure from lack of use.

We build Tiny Homes without wheels for this and other important reasons.

1. Cost. A quality suspension with 12inch electric brakes, wheels and tyres, coupling and breakaway unit will add \$3000 to \$4000 to the cost of a tiny home.
 2. Our tiny homes are intended to be moveable at short notice but are not expected to be moved regularly.
 3. A tiny home structurally mounted on a trailer cannot exceed 2.5m wide. A tiny home greater than 2.5m in width, without wheels, can be legally loaded on a 2.5m wide trailer or float in accordance with VicRoads “as of right” permit system or a paid specific permit and can travel through much of Victoria (Otway’s, Gippsland and mountainous areas have further restrictions). A Tiny House that is under 3.1m can be moved through all but mountainous areas. We build Tiny Houses that are 3m wide and this provides dramatic improvements in design and layout opportunities for little extra cost, particularly as our users are older and prefer not to use a loft as their main bedroom.
 4. We encourage professional moving of these large objects on public roads.
5. Does the use of tiny houses as primary residences involve risks that are not adequately addressed at present?

The absence of clear building design requirements is a significant risk. Many Tiny Homes are owner built and are constructed based on You tube videos from the USA or elsewhere. There

is a common theme of Tiny Home owners and builders in seeking to avoid building regulations or codes by emphasising they are a vehicle or a caravan and to rely on the absence of any real construction standards for caravans other than structural running gear, lighting and gas and electrical installations. While you cannot build a compliant Tiny House under the Building Regulations (or it is extremely difficult) this is not really a good public policy outcome for something that is intended to be a permanent dwelling.

Indeed approximately half of the professionally made tiny houses I have visited fail to provide double pole electrical outlets and circuit breakers that are required under the relevant Australian Standard for electrical work on a moveable or relocatable dwelling (AS/NZS 3001:2001) and are instead wired as single pole under traditional wiring rules AS3000 standard that apply more generally.

There is a need to adopt construction standards as variations to the building code that accommodate specific features of Tiny Houses, particularly ceiling heights in lofts used for sleeping, use of stairs and ships ladders to access lofts, restrictions on minimum sizes and heights of habitable rooms. One aspect that is taken for granted overseas that appears absent in our current standards is the provision of emergency egress from a loft area where a person may become trapped in the event of a fire. Our Australian Building regulations appear to make this essential safety issue worse in pursuing the requirement that windows in such areas must be guarded to prevent a child falling out of them. If a compromise is necessary I would support the egress function over the child safety issue, although good design may achieve both outcomes.

Significant consultation by the tiny house movement in the USA has led to an optional building code being adopted in a number of states and county's that provides a well thought out compromise to many of these "Tiny House" building code variations. I attach a copy of Amendment Q to the 2018 International Residential Code at Attachment One to this submission and recommend that in the same manner in which variations to the building code for permanent UMD's are presented these variations should be incorporated into the Regulations to enable Tiny Houses to be built in accordance with the Building regulation. I do not recommend the definition that includes a maximum size of a Tiny House as this is unduly restrictive and serves no real purpose.

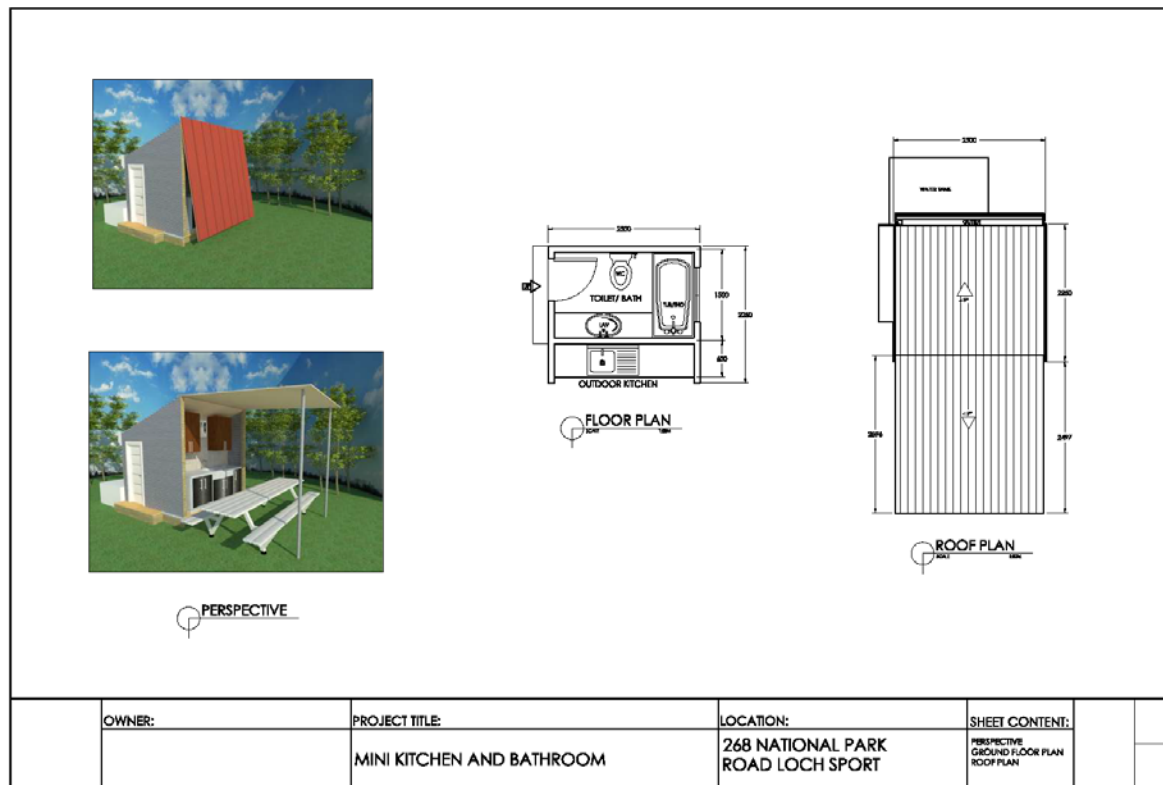
There is some contention about this approach in the Tiny House Community in Australia, primarily because there are a number of Tiny house builders who are not registered builders. It is my submission that for consumer protection and adherence to standards the construction of all Tiny Houses be done by registered builders or a registered owner builder. If the Tiny House Community is to be taken seriously it should back its product in the same way as any builder does.

6. Should any aspect of construction standards or ongoing management arrangements for tiny houses be dealt with by the Regulations? If so, what should these be?

As referred to in answer 5 new regulations that provide a variance to the Building Code to specifically address issues of size, ceiling height particularly in sleeping lofts, use of ladders and stairs to access lofts and the provision of a fire egress in loft spaces. Please refer to the International Residential Code (USA) Appendix Q code variations listed in Attachment One. Please note that many of these variations are not suitable for other UMD's and the additional

variances should be provided in a additional schedule in addition to that which currently applies to permanent UMDs.

- How should luxury camping be defined? What factors distinguish luxury camping from traditional camping?



We make a small Tiny Kitchen and Bathroom that does not have any accommodation which is designed as an ensuite to a Glamping setup. It is skid mounted and approx. 2250 x 2500.

Its features define what I believe to be the difference between Camping and Glamping when added to a Bell, safari or other generous tent structure. Its camping if you have to walk in the rain to go to the bathroom or amenity block or to cook your breakfast. Its Glamping if such facilities are all under one roof, even if the roof is fabric.

Another important feature is a degree of privacy. I'm not saying that you can't site a number of Glamping sites aesthetically in a row, but the stocking density is significantly less than standard camping sites.

- What are the specific issues and risks associated with luxury camping? What, if anything, would need to change in the current framework to account for these issues and risks?

Our biggest risk is Melbourne's weather - unless rain and cold is well accommodated Glamping will only be a summer pastime and will be limited in its take up.

- If you are a private landowner, have you had difficulty gaining or attempting to gain registration as a caravan park? Alternatively, did you find this process straightforward?

We currently own commercial land where a caravan park is an as of right accommodation use. The issue is the need to construct buildings and works which requires a permit and the one size fits all Caravan Park Regulations are pretty daunting and we will not be pursuing this.

We are seeking a planning permit for a Tiny House Hotel where our rooms are our 5 or 6 tiny houses on foundations.

10. If you found gaining registration difficult, what were the reasons for this?

A small proposal is required to meet all the standards, many of which are irrelevant due to the scale of operations.

11. Are the health and safety risks associated with camping on private land and bush parks different to the risks in traditional caravan parks?

Camping on private land includes one person or group "camping" on a residential allotment. This includes both a block that has a residence on it and one that is vacant. Current regulation is by local laws permit and not these regulations. This gives us 79 quite different approaches regulating this use of land. Peninsula councils have quite generous terms, suburban councils vary dramatically as do rural and regional councils.

Health and Safety and amenity issues as well as NIMBYism seems to motivate these councils. I am not satisfied there is individual justification for such a variance in the manner of these controls and State Legislation should be preferred to ad hoc regulation by councils.

12. How are health and safety risks on private land and bush parks mitigated currently?

Not an area of our specific experience to comment on this.

13. What, if any, changes could be made to the Regulations to simplify, clarify or improve requirements that must be complied with and who enforces compliance? Would changes also be required in other regulations to support this?

Support the continuation and expansion of VCAT and Consumer Affairs Vic to handle consumer and tenancy issues

Support Council Environmental Health Officers in public health issues associated with those under regulation.

Issues of occupational licencing should be a function of Planning officers rather than Council bylaws officers as the issues go beyond black and white interpretations and need to be applied taking into account the overall context of the operation.

14. Should there be a mechanism for residents and tourists to seek action on non-compliance with the Regulations? If so, what should this be?

Yes - Complaint to council regarding alleged breach followed by application to VCAT if the complainant believes the council has failed to respond. Complaints by residents or users should be limited to issues that impact on the community and should not be technical breaches or objection to a discretionary decision of the proper officer.

15. Do you believe that the industry as a whole is currently fully compliant, and would remain so without the need for registration renewal? If possible, please provide evidence to support your answer.

My limited experience would not support this proposition.

16. What should the registration period be? Please provide reasons.

3 to 5 years - maybe more - as a minimum to provide some degree of business certainty

17. What has been the impact (if any) of the change from a one to three-year registration period?

Not an area of my current involvement

18. If the registration period was lengthened, do you have any suggestions for how councils could ensure compliance during the longer period?

The period of registration should be irrelevant to any breaches of the terms and conditions or the regulations and should be policed accordingly.

19. Is perpetual registration and/or self-regulation a feasible option? How could risks of non-compliance be mitigated under these options?

Not supported

20. Is the specified end date of registration (currently 31 December) still appropriate, or should the end date be based on the date the application is approved? Please provide reasons.

When the department is fully staffed on the week before and after this date I would support the status quo. Otherwise an arbitrary date such as 30 June would be preferable to 31 December. I don't support anniversary date due to admin difficulties in doing this.

21. Are any of the documents required for registration no longer necessary?

Not an area I wish to comment on.

22. Should anything else be included in applications?

Not an area I wish to comment on.

23. If documents have not changed since the initial registration, is there any need for them to be supplied again with the renewal?

Should you really be asking this question? No

24. Should anything else be different for renewal?

Not an area I wish to comment on.

25. Do councils have difficulty processing all applications and issuing renewal certificates within the three-month period? If so, what are the reasons for this?

Divorcing the renewal date from normal rate instalment dates may assist but most councils have significant capacity to manage registration issues.

26. In the event of an application not being processed by 31 December, should registration continue until council has assessed the application? Would this raise any issues?

No on public policy basis - a caravan park is a business that should be run as a business.

27. Are there any other ways this issue could be dealt with, for example, temporary registration?

I see no reason to further accommodate slack business practice.

28. Are schedules of works agreements useful tools for bringing parks into alignment with registration requirements? Why/why not?

Not an area I wish to comment on.

29. Should the consequences for failing to comply with a Schedule of Works be strengthened?

Not an area I wish to comment on.

30. Should restrictions be placed on which requirements can be met using a schedule of works, and how long parks have to complete works? Why/why not? If yes, what should these be?

Not an area I wish to comment on.

31. Should any other party, such as emergency services or park residents, be involved in agreeing to a schedule of works?

Emergency Services such as Fire services should be a referral agency to council's decision otherwise no.

32. Should the Regulations provide for conditional registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?

Yes

33. Should the Regulations provide for temporary registration, which can be revoked if conditions (e.g. compliance with a schedule of works) are not met?

No

34. Would conditional or temporary registration create any foreseeable issues for parks or councils? If yes, what would these be?

Yes Certainty of a business's right to operate should not be something that is given to someone who fails to comply with regulation.

35. Should the Regulations specify requirements for inspections? Why/why not? What impacts could this have?

No Resourcing issues for local government

36. If the Regulations were to specify requirements for inspections, what should these requirements be?

See answer to 35

37. Could an alternative approach, such as non-regulatory guidance material for councils, achieve the desired outcomes?

What is wrong with reactionary complaint based inspections - an issue is alleged and determined. Operations that don't give rise to complaints should not be harassed by unnecessary inspections.

38. Have you experienced uncertainty about whether a caravan park should be registered under the caravan park or public health regulations? Can you please provide a description of the caravan park or accommodation, and why it was unclear which regulations applied?

Not an area I wish to comment on.

39. Do the current fees appropriately reflect the cost to councils and fire authorities in carrying out these functions? If not, what are the costs of carrying out these functions and what is the gap?

Need for a single resident site fee to be moderate and appropriate.

40. Are there any reasons that the fees should be set at a level above or below full cost recovery?

Where costs are higher due to distance or remoteness the operation will be significant in the local tourist economy and any increase may impact adversely on the operations viability.

41. Are the current methods for calculating fees the most appropriate way of determining cost? If not, what are appropriate alternatives?

Not an area I wish to comment on.

42. Do you believe that the requirements in the CFA Guideline are appropriate?

Yes

43. Have you ever had problems interpreting or understanding the requirements in the CFA Guideline?

No

44. Is it still appropriate that caravan parks are not required to meet current minimum distance requirements for pre-existing structures, or should parks be required to meet current distance requirements when structures are replaced? Please provide reasons.

Not an area I wish to comment on.

45. Should the Regulations have different fire protection requirements depending on the type of park (e.g. the categories suggested in **Section 3.1.1**)? If yes, what should these be?

Single Resident sites and small operations (under 6 sites) should not require specific Fire safety inspection other than that required at time of Planning Permit.

46. Should park owners be required to provide a fire safety report?

No

47. If so, should caravan parks be required to update their fire report after a given period, or after alterations/upgrades are made to the park?

No but the fire safety issues should be considered as part of a planning permit for such additions.

48. If registration categories were introduced, should requirements for fire safety reports be different for different categories of caravan park?

Should not be required for small parks (Under 10 sites)

49. Is the requirement for caravan park owners to notify new residents that the area is liable to flooding still appropriate? Should it be strengthened? Please provide reasons.

Not an area I wish to comment on.

50. Should any other requirements relating to flood risk be prescribed in the Regulations?

For RMD's and Tiny Houses where the lease is for a term of greater than 3 months

51. Is the current process for developing EMPs appropriate? If not, how should it be changed?

Not an area I wish to comment on.

52. Have you had difficulty developing a suitable EMP?

Not an area I wish to comment on.

53. Would prescribed criteria for EMPs in the Regulations assist in their development, or could this be addressed by better guidance outside the Regulations?

Not an area I wish to comment on.

54. Should caravan park owners have the option of using suitably qualified private individuals to develop an EMP on their behalf, instead of being required to consult with emergency services? What are the potential benefits and risks of this approach?

Yes

55. As a park owner, how do you ensure that residents and other park users have access to your park's EMP? Have you ever run a drill of your park's EMP? Why/why not?

Not an area I wish to comment on.

56. As a park resident or user, do you have easy access to park EMPs? Have you ever participated in a drill of a caravan park EMP?

Not an area I wish to comment on.

57. How often do emergencies occur in parks? Are EMPs useful for responding to emergencies?

Not an area I wish to comment on.

58. Should councils continue to be responsible for assessing EMPs and fire safety reports? If not, which body/bodies should be responsible?

Not an area I wish to comment on.

59. Is it necessary to require any facilities be provided for bush/primitive camping? Why/why not? Should this be different for private land where limited camping is offered?

No - what you see is what you get - lets not force the closure of virgin sites

60. If no facilities were required, would a 'leave no trace' or similar policy requiring users to properly dispose of or remove all waste be necessary to reduce risks to the public and environment?

With the exception of toilet waste in appropriate facilities Leave no trace is supported.

Is it necessary to require a minimum number of toilets and showers for tourist parks? Would removing the minimum requirement present a public health risk, or would parks be likely to continue supplying facilities anyway?

Not an area I wish to comment on.

61. Are the current requirements for amenities appropriate for tourist parks - e.g. lighting, rubbish facilities, number of facilities? Should any additional amenities be required, or should any existing requirements be removed?

Not an area I wish to comment on.

62. What requirements are necessary for parks which include residents to ensure an appropriate standard of living?

Permanent Residents should have access to internal bathroom and toilet facilities. I do not include extending this to washing machines

63. Are many movable dwellings rented at caravan parks by residents which do not include a toilet, shower or washing machine? Can you provide examples?

Not an area I wish to comment on.

64. What facilities should be required for this type of park (if any)? How many of each item should be required?

See answer to 62 - self contained facilities for all permanent residents

65. Could you provide any examples of dwellings in residential parks which do not contain their own sanitary facilities?

No

66. Should parks be required to supply reticulated drinking water? If categories of registration are introduced, should this requirement apply to all categories or should some categories of parks be excluded?

Yes - we are not a third world country.

67. If reticulated drinking water was required to be supplied, what impact would this have on parks? Please provide details.

Anyone who objects to this should have their park highlighted to warn people against attending it.

68. Should a minimum standard of water quality be required for water provided for showers and washing facilities?

Yes Class A water.

69. Should park owners be required to maintain all facilities in a clean, hygienic and functional state? Why/why not? How could this be defined and enforced?

A motherhood statement Yes

70. Is it necessary for the person responsible for the caravan park to be available at the office during office hours? Would removing this requirement create any risks?

A means of contact with the operator is required.

71. Would it be adequate for the person responsible for the caravan park to be available by phone, or for an alternative person (such as a staff member) to be available instead?

Yes

72. Should any of the current requirements in regulation 19 be removed? Why/why not?

Not an area I wish to comment on.

73. Do you agree with the proposal to place a duty on operators to maintain communal spaces? Why/why not?

Yes Because they are operating a business that was assessed at time of approval of having certain facilities.

74. Have you experienced any issues with the safety or maintenance of shared spaces in a caravan park? If yes, please provide details.

Not an area I wish to comment on.

75. Is the current method of self-certification sufficient for ensuring compliance with the Regulations? Why/why not? Please provide any examples of non-compliance with the Regulations, and of the harms/problems that have resulted from this non-compliance.

Not an area I wish to comment on.

Not an area I wish to comment on.

76. If you believe that the current method of self-certification is not sufficient, who should be responsible for certifying compliance for the construction and installation of UMDs?

UMD's should be built by a registered builder in accordance with the Building regs as modified by these regs

77. Should councils play a role in approving the installation of UMDs, or is notification of installation sufficient?

Same as normal Building control

78. Should any other requirements for construction or installation be changed, removed or implemented?

Variations to design and construction of Tiny Houses to be implemented in accordance with attachment one

79. Should luxury camping tents which remain constructed for ongoing periods of time be required to meet certain requirements? If yes, what should these requirements be? What would the likely costs and benefits of these requirements be?

Yes. Its not luxury if it leaks.

80. Are there other issues associated with luxury camping tents which remain constructed for ongoing periods of time?

Use of fires and stoves in these tents.

What are the risks to health/safety if luxury camping tents do not meet certain requirements, or remain constructed for ongoing periods of time? Please provide details.

Not an area I wish to comment on.

81. Should UMD construction be required to meet more of the requirements in the NCC that apply to conventional dwellings?

Yes however variances in the Regs should apply

82. Is a minimum size requirement for UMDs required? Should the minimum required size of UMDs be expanded or reduced? What impact/benefit could this have?

No and Not for Tiny Houses - as long as they have internal bathroom and toilet

83. Should standards for energy efficiency be lifted (noting that this is likely to increase the initial construction cost of UMDs but lower the living expenses of the occupants)?

No

84. Are the existing requirements for the design and construction of annexes still appropriate?

Yes

Attachment One

2018 International Residential Code APPENDIX Q

Reference https://codes.iccsafe.org/content/IRC2018/appendix-q-tiny-houses?site_type=public

TINY HOUSES

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopted ordinance.)

GENERAL

AQ101.1 Scope. This appendix shall be applicable to *tiny houses* used as single dwelling units. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

DEFINITIONS

AQ102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *loft*.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, and open to it on at least one side with a ceiling height of a maximum of 5 feet, used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m²) or less in floor area excluding *lofts*.

CEILING HEIGHT

AQ103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a finished ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm) a maximum of 5 feet (1524 mm).

AQ104.1 Minimum loft area and dimensions. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

AQ104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²).

AQ104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area. Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

AQ104.2 Loft access. The access to and primary egress from *lofts* shall be any type described in Sections AQ104.2.1 through AQ104.2.4.

AQ104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.6.

AQ104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers. Risers for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

AQ104.2.1.4 Landing platforms. The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the *loft*, and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

AQ104.2.1.4.1 Landing platform guards. Guards at the open side of landing platforms shall comply with Section R312.1 or shall be at least as high as the loft guard; whichever is greater.

AQ104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.

AQ104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

AQ104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AQ104.2.2.1 and AQ104.2.2.2.

AQ104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300-pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

AQ104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Ships ladders. Ships ladders accessing *lofts* shall have a minimum tread depth of 5 inches (127 mm). The tread shall be projected such that the total of the tread depth plus the nosing projection is no less than 8 1/2 inches (216 mm). The maximum riser height shall be 9 1/2 inches (241 mm). Handrails shall be provided on both sides of ship ladders and shall comply with Section R311.7.8. Handrail height shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864). The clear width at and below handrails shall be not less than 20 inches (508 mm). Compliant ship ladders may also access additional stories of a tiny house.

AQ104.2.4 Loft guards. *Loft* guards shall be located along the open side of *lofts*. *Loft* guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less, but no less than 18 inches.

EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ105.1 General. *Tiny houses* shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the *egress roof access window* complies with the minimum opening area requirements of Section R310.2.1.

SMOKE AND CARBON MONOXIDE DETECTORS

AQ106.1 SMOKE AND CARBON MONOXIDE DETECTORS. Smoke and carbon monoxide detectors shall be installed as required in Sections R314 and R315 and on the ceiling directly underneath any loft and just below the highest point of any loft.

(Effective January 1, 2020)