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## TINY HOUSES IN PORTLAND, MAINE

We get a lot of questions about the ability to locate “tiny houses” in Portland. Here are some answers based on the current status of local ordinances and state building code:

### **Zoning**

For zoning, a tiny house is considered a dwelling unit. The R-1, R-2 and R-3 residential zones only allow a single family home (dwelling unit). The R-4, R-5 and R-6 residential zones allow two family and multi-family dwellings as long as the lot size and land area per dwelling unit requirement can be met along with the other dimensional requirements. A dwelling unit is considered a permanent structure that is built on a foundation, frost wall or slab. Under the land use ordinance a single-family, single-component manufactured house needs to be installed on a full foundation or a concrete frost wall with the hitch or tow bar removed.

### **Building Code**

For building code, the City is required to comply with the Maine Uniform Building & Energy Code (MUBEC) as adopted by the State. According to this code, a building shall either be constructed on site in accordance with the model code, IRC 2009, or as State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act or as Mobile Homes approved by the State Manufactured Housing Act. Manufactured housing must be certified by a "label, seal or other device affixed in accordance with rules adopted by the board, certifying the compliance of the housing and all applicable rules".

For buildings constructed on site, the IRC requires every dwelling to have at least one habitable room not less than 120 SF of gross floor area. All other habitable rooms, other than kitchens, shall be at least 70 SF, with the minimum horizontal dimension not less than 7'. Bathroom size shall be designed per the fixture clearance requirements of the IRC and UPC plumbing code. Currently, the municipal Fire Prevention Code has adopted sprinkler systems to be installed in new one and two family homes.

To summarize, under the zoning requirements and building code, the building either needs to be built on site on a foundation, frost wall or slab or meet the State Manufactured Housing Act.

### **Policy**

The city is actively looking at the issue of tiny houses and what role they might play in helping address our housing needs. The biggest challenge appears to be the state building code, which the city is required to utilize. We are looking into whether we might lobby for changes in MUBEC to allow more flexibility for tiny homes, but such changes would not happen quickly, and could require legislation.