

# TINY HOMES



**Kansas Association of REALTORS®**

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## Abstract

This white page first dives into some background information and history regarding tiny homes. Then what is examined is the lack of state laws in Kansas relating to tiny homes, and a lack of a statewide building code, which leaves regulating and proliferating tiny homes up to local governments. When we then look at local governments, we see several issues that occur with their zoning laws that would slow or eliminate the spread of tiny homes. From there we see what other states are doing regarding their laws and rules. What we find is that other states are implementing policies that would assist the spread of tiny homes and allow for their placement and regulation across their state. Then we see some general requirements for building and living in a tiny home and create some potential solutions for their proliferation in Kansas. Finally, there is contact and cost information on the different businesses that make tiny homes in the state. Readers should become more aware of the entire spread of the issues surrounding tiny homes and be able to think of some solutions for their implementation in their communities.

## Disclaimer

The information provided in this analysis does not, and is not intended to, constitute legal advice; instead, all information and content provided are for general informational purposes only. This paper contains links to other third-party websites. Such links are for the convenience of the reader. Readers should contact their attorney to obtain advice with respect to any legal matter. No reader should act or refrain from acting based on information contained herein without first seeking legal advice from counsel in their relevant jurisdiction.

Further, information presented in this white page does not imply endorsement of different policy initiatives by the Kansas Association of REALTORS®. Information and resources presented in this white page are only meant to facilitate discussion about various trends and topics surrounding the housing industry.

## Background and History

Tiny homes are defined by the 2020 International Residential Code as a dwelling unit with up to 400 square feet of living area (International Code Council 2020). However, there is no one definition of tiny homes and some tiny homes may have 400 to 1,000 square feet of living space depending on consumer preference. These tiny homes come with a variety of amenities and designs, but all focus on efficient living space. Typical advantages consumers look to in purchasing tiny homes are affordability, lower utility costs, smaller environmental impacts, and potential use as an Accessory Dwelling Unit (ADU) (West Virginia University Land Use and Sustainable Development Law Clinic 2019).

While the exact beginning of the tiny house movement is unclear, tiny homes gained some popularity following the publishing of Sarah Susanka's Not So Big House in 1998. Organizations and companies focusing on tiny houses have formed since then, such as The Small House Society founded in 2002 with the mission of supporting the research, development, and use of smaller living spaces to foster sustainable living for individuals and families (Small House Society 2022). The first company to offer tiny houses in the United States is the Tumbleweed Tiny House Company which opened in 1999.

Initially, many of these tiny homes were illegal due to zoning restrictions. In July of 2014 the City of Spur, Texas declared itself the first "Tiny House Friendly" city in the United States. Through a proclamation and ordinance changes Spur allowed tiny homes of all sizes to be built within city limits. These tiny homes were required to have a driveway, be connected to city utilities like water and sewer services, be located on a common access route or internal street, have an assigned address, comply with City structural codes, and pass an inspection by a building official (City Council of the City of Spur, Texas 2014). Since the passage of the Spur Resolution, many cities have adopted ordinances relating to tiny homes for a variety of reasons. Currently, 24% of brokers surveyed by NAR report tiny homes in their market in 2022 (Yun, Ph.D., et al. 2022). The average price for a tiny home in 2021 is \$36,200 (Romo 2021).

## Kansas, Local Governments, and Tiny Homes

The State of Kansas does permit tiny homes to be built through zoning regulations. Legal authority in Kansas for local governments to establish and enforce zoning regulations is found in K.S.A. 12-741 which allows "...for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety and welfare, and is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act".<sup>1</sup> Further, KSA 12-756 provides that no city or county may adopt any zone or district or regulate and restrict the use of buildings or land until the planning commission for that area makes a recommendation on zoning issues for that area.<sup>2</sup>

Although Kansas state law provides for planning and zoning procedures for local governments, state law makes no mention of tiny houses. This isn't uncommon as many other state governments don't mention tiny homes in their statutes. Further, Kansas does not enforce a statewide building code

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<sup>1</sup>K.S.A. Ch 12.-Cities and Municipalities, Article 7.-Planning and Zoning, § 12-741 Planning and Zoning in cities and counties; authorization

<sup>2</sup> K.S.A. Ch 12.-Cities and Municipalities, Article 7.-Planning and Zoning, § 12-756 Same; zoning; zones or districts; procedure to establish; notice and hearing.

for private buildings (Council 2022). This leaves incorporating tiny homes and any building codes an issue addressed by local governments.

## Local Issues

As an evolving and continuously expanding concept of home ownership, tiny homes are facing a variety of obstacles to implementation from local governments.

The first zoning issue that most tiny homes face is restrictive requirements for accessory dwelling units (ADUs). ADUs are a separate, complete dwelling unit that is for-rent and that is contained within a single-family home or in a detached building on the same property. ADUs often consist of tiny homes. ADU zoning laws usually contain a minimum and maximum area requirement (e.g. 300ft<sup>2</sup> to 1000ft<sup>2</sup> in [Glenwood Springs, CO](#)). Some cities, such as [Nashville](#), require ADUs to “be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure”.

The second zoning issue faced by tiny homes is that many cities consider them recreational vehicles (RVs) if they are on wheels. This allows cities to restrict the number of days someone lives in their tiny homes, and where these tiny homes can be parked. So someone might have a tiny home on wheels, and only be allowed to live in it for 180 days before they get removed by local officials.

A third issue to consider that varies from state to state and by municipality is taxation. Tiny homes on wheels are usually taxed as personal property like an RV or a trailer. However, if your tiny home is attached to a foundation, you will typically pay regular property taxes on that tiny home.

## Other States

In 2021 Maine passed [LD 1530](#). It was the first state law in the United States to allow tiny homes in single-family zoned areas statewide. LD 1530 also requires that municipalities permit tiny homes to be placed on single-family zoned areas as a primary or accessory structure subject to all applicable land use requirements.

In May 2022 Colorado passed [HB 22-1242](#) which regulates the sales and manufacturing of tiny homes. It also designated that tiny homes can be certified by the state Housing Division to be designed for long-term residency. It also required tiny homes be subject to building codes adopted by the state of Colorado (e.g. a tiny home must be up to building and electrical codes to be connected to electric utility services), and they be subject to rules and regulations set by the state housing board.

In 2019 Washington passed [ESSB 5383](#) which defines tiny homes with wheels and prohibits cities and towns from adopting ordinances that prevent entry or require removal of tiny homes with wheels from manufactured home communities. It also allows cities and towns to adopt ordinances regulating the creation of tiny home communities and provides for the adoption of building codes and standards relating to tiny homes.

In 2020 Minnesota adopted the International Residential Code (IRC) Appendix Q, which regulates the building of tiny homes. The [Minnesota Residential Code](#) provides regulations for building tiny homes at the building site, and as a modularized or prefabricated building. All tiny homes must comply with all of the Minnesota Residential Code, which means the following: (1) having adequate



access to light and ventilation; (2) be attached to a sanitary sewer system and approved water supply with hot and cold water; (3) have means of emergency exit and egress; (4) have the required number of smoke and carbon monoxide alarms (Minnesota Department of Labor and Industry, Construction Codes and Licensing Division 2020).

In 2019 Nebraska adopted the International Residential Code (IRC), 2018 edition through [LB 405](#). However, the state does not force local governments to also adopt the IRC, 2018 edition. It only requires local governments to notify the state should they choose to adopt the IRC, 2018 edition. Montana adopted similar language through [rule 24.301.154](#) in 2019, which the exception of a prohibition on tiny homes being used for commercial or business uses.

## General Requirements for Tiny Homes

There are many requirements for owning and building tiny homes. The requirements generally vary by laws and rules adopted by local governments since most state governments have not weighed in on tiny homes. However, some requirements, such as the requirements listed below, are universal:

1. Providing complete independent living facilities including the following;
  - a. Adequate lighting, ventilation, and heating;
  - b. Adequate eating and cooking facilities;
  - c. Adequate sanitation facilities.
2. Provide means of egress in case of emergency;
3. Provide emergency notification such as smoke and carbon monoxide alarms, and radon control systems.

These requirements are listed in the IRC, 2018 edition.

### 1a. Adequate Lighting, Ventilation, and Heating

Habitable rooms must have 8% of their floor area as natural light and 4% as natural ventilation. Bathrooms must have 3 square feet of natural light and 1.5 square feet of natural ventilation. Any dwelling must also be capable of maintaining a temperature of 68 degrees.

### 1b. Adequate Eating and Cooking

Each dwelling must have a water closet, lavatory tub or shower and kitchen sink. All water appliances must connect to hot and cold water.

### 1c. Adequate Sanitation

All plumbing fixtures must be connected to a sanitary sewer or approved sewage system and approved water supply. Bathtubs, shower floors, and walls must have nonabsorbent surfaces.

## 2. Means of Egress

Basements, habitable attics, and every sleeping room must have at least one operable emergency escape and rescue openings of 5.7 square feet.

## 3. Emergency Notification

Smoke alarms are required in each sleeping room, immediate vicinity of bedrooms, and on each additional story of the dwelling including basements and attics. Carbon monoxide alarms are required with every dwelling unit having fuel-fired appliances.

## Potential Solutions

Based on the information above, there are numerous policy solutions that can be discussed for increasing the spread of tiny homes for local and state-level policy decisionmakers and practitioners:

1. Implement International Residential Code, Edition 2018 (or later), Appendix Q at the local level. This would be a good start at removing zoning barriers that tiny homes, their occupants, and developers currently experience.
2. Implement International Residential Code, Edition 2018 (or later), Appendix Q at the state level. Some states implement statewide building codes, and some do not. Given that Kansas currently does not implement any statewide building code, except for public buildings, this might not be feasible. This might also be the case in other states that do not currently have a statewide building code.
3. Pass legislation allowing tiny homes in residential zoning areas. This can be accomplished at the state or local levels. It can also be very simple as shown in the Maine bill, which is less than a page long.
4. Pass legislation classifying tiny homes on wheels as homes instead of recreational vehicles. This can also be accomplished at the state or local level. As most municipalities consider tiny homes on wheels as recreational vehicles, this would alleviate many of the issues owners and developers face in local ordinances.

## Tiny Home Businesses and Contact Information

### Midwest Tiny Homes & Cabins – Leavenworth, KS

Midwest Tiny Homes and Cabins is the only company residing in the state of Kansas that builds tiny homes.

(913) 702-2175

[tinyhouses\\_cabins@yahoo.com](mailto:tinyhouses_cabins@yahoo.com)

Cost: \$50,000 - \$95,000

[www.tinyhousescabins.webs.com](http://www.tinyhousescabins.webs.com)

### Tumbleweed Tiny House Company

Tumbleweed Tiny House Company can deliver tiny homes on wheels to any of the 50 states. These tiny homes come in a variety of designs, sizes, and different levels of amenities.

(877) 331-8469

Cost: \$68,000 - \$140,000

[www.tumbleweedhouses.com](http://www.tumbleweedhouses.com)

## References

- City Council of the City of Spur, Texas. 2014. *A Resolution Establishing the Designation of the City of Spur, as America's First "Tiny" House Friendly Town*. Spur: City of Spur, Texas.
- International Code Council. 2022. *Kansas Building Codes - ICC Digital Codes*. Washington D.C.: International Code Council.
- International Code Council. 2020. *2020 International Residential Code: Appendix Q Tiny Houses*. Washington DC: Wiley.
- Minnesota Department of Labor and Industry, Construction Codes and Licensing Division. 2020. "General Requirements." In *Minnesota Residential Code*, by Construction Codes and Licensing Division Minnesota Department of Labor and Industry. Saint Paul: International Code Council.
- Romo, Lorena. 2021. *A Study of the 'Tiny Home' Market in 2021*. Tiny House Ideas.
- Small House Society. 2022. *About - Small House Society*. Small House Society.
- West Virginia University Land Use and Sustainable Development Law Clinic. 2019. *Tiny Homes: Issues*. Fact Sheet, Morgantown: West Virginia University.
- Yun, Ph.D., Lawrence, Jessica Lautz, Dr.RealEst., Meredith Dunn, Sidnee Holmes, and Brandi Snowden. 2022. *2022 REALTORS(R) & Sustainability Report - Residential*. Washington D.C.: National Association of REALTORS(R) Research Group.