**Submission in response to Executive Order No. 562**

**“To Reduce Unnecessary Regulatory Burden”**

Executive Office of Administration and Finance General Topic Listening Session

Thursday, November 19, 2015, Barnstable, MA

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The **Island Coalition for Tiny Houses** (ICTH) is a coalition of Martha’s Vineyard residents and visitors who believe that tiny houses are an appropriate and potentially popular housing option for Martha’s Vineyard. Our aim is to work with State and Local officials to make tiny houses legal, affordable and safe for year-round living on Martha’s Vineyard.

Some of us serve on town boards, some of us are employed by a town, some work for non-profits, some in the private sector, but we participate in the coalition in our personal capacity: the coalition does not represent the position of any one town or organization on MV.

Regarding the **State Sanitary Code**, Minimum Standards of Fitness for Human Habitation (105 CMR 410.000) as it relates to tiny houses, we would like to put forward the following propositions:

* We feel that the primary purpose of the Sanitary Code is to *set* *standards for rental dwelling units used as permanent living quarters*. The Sanitary Code also serves an important public function regarding *nuisances and potential health and environmental hazards*, which could impact neighbors and the community as a whole. The complaint-based inspection requirements of the Sanitary Code provide vitally important recourse for tenants and neighbors to address these potential health threats and nuisances.
* *We feel that the Sanitary Code standards should come into play only for rental units, and not for owner-occupied dwellings, unless and until these pose a nuisance/health threat to the neighborhood or the environment.*
* In general, we feel that building standards referenced in the Sanitary Code shouldbe *consistent with standards contained in the Building Code,* and should not contradict or exceed them.

While we feel that standards contributing to health and safety must not be compromised, the **Massachusetts Residential Code** 780 CMR 10, which incorporates the **International Residential Code (IRC) 2009,** contains certain provisions which do not significantly contribute to health and safety, and have the effect of imposing design constraints on a tiny dwelling. In particular:

* Massachusetts should adopt the 2015 IRC, which does not require a 120sf minimum room area for a dwelling unit. (Code change RB 106-13)
* In general, interior design minimum size requirements are geared towards standard-sized housing that is presumed suitable for year-round rental and thus requires “one-size-fits-most” specifications. However these specifications hamper the tiny house homeowner in designing a minimalistic space suited to his/her particular needs and preferences. Provisions to waive such requirements for owner-occupied tiny houses should be established.
* Sleeping lofts in tiny houses should be exempt from ceiling height and room size requirements. Ladders accessing lofts could be subject to certain safety standards (hand holds, tread depth, steepness, and secure installation). However, stairways as specified in R311.7 should not be required in tiny houses.
* The Massachusetts Residential Code requirement for a second egress door (R311.2) should not apply to tiny houses; instead, tiny houses should be required to meet the emergency escape and rescue provisions of the IRC (R310).
* Required plumbing products in some cases create *de facto* size requirements that do not contribute to health and safety. The Massachusetts list of approved plumbing products should be *assistive,* rather than *prescriptive,* as a prescriptive list establishes regulatory gate-keepers and stifles industry innovation.

**Water, Wastewater, and Sewage Disposal**: While we support provision of safe drinking water and proven methods of sewage disposal, elements of the Sanitary Code Title 5 in particular are geared to standard-sized dwellings, and are unduly burdensome for tiny houses. Where possible, tiny houses should use existing mechanisms to share onsite septic systems and drinking water wells. In addition, provisions of Title 5 should be adjusted to reflect a “tiny house” lifestyle:

* Tiny houses should be able to request a variance of required leaching system size to serve a single bedroom.
* Given the recent, very laudable move on the part of the State of Massachusetts to require composting of food material and commercial organic material, provision should be made for residuals from composting toilets to be disposed at composting sites deemed capable of rendering the product safe for productive re-use.
* Greywater re-use options should be actively explored and permitted as soon as they are adequately demonstrated to not pose a threat to human health and safety.

We thank you for this important opportunity to contribute to the comprehensive review of Massachusetts regulations. We recognize that, where federal standards are specifically conceived as a floor, not a ceiling, States have the important responsibility of assessing the will of their populace, as well as their specific needs and conditions (population density, demographic profile, the State’s natural environment, etc.) in setting their own standards as they see fit. We are confident that this review will result in a robust, appropriate, common-sense approach to sound regulation of social and economic activity in the Commonwealth.

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