



## Code Outreach Program – Tiny Houses

This document is intended to clarify the applicable codes and regulations for small *dwelling units* known as *tiny houses*. Both local zoning laws and the Uniform Code apply to *tiny houses* ([see related document](#)). Zoning laws typically include the number and size of dwelling units which may be located on a lot, the distance to the property lines, and requirements applicable to the parking of temporary and recreational use vehicles. Zoning laws are administered and enforced on the local level and are beyond the scope of the Uniform Code and the DBSC; therefore, they will not be addressed in this bulletin. Applicable requirements of the Residential Construction provisions of the Uniform Code are discussed below.

The 2020 Residential Code of New York State<sup>1</sup> (2020 RCNYS) includes the adoption of Appendix Q titled “Tiny Houses.” Appendix Q, applicable to *tiny houses* used as single *dwelling units*, defines a *tiny house* as “a dwelling that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding lofts” (see Section AQ102 of the 2020 RCNYS).

There is a common misconception that a building permit is not required for structures less than 144 square feet. This misconception may be based on an allowable exemption for one story detached accessory structures associated with one- or two-family dwellings which are used for tool and storage sheds, playhouses, or similar uses [see 19 NYCRR Section 1203.3 (a)(1) and the local code enforcement program]. This allowable exemption does not apply to dwellings, including *tiny houses*.

As is the case with conventional *dwelling units*, not all *tiny houses* are site-built. Some may utilize other methods of construction such as “modular buildings” and “manufactured homes” (both terms are defined in the 2020 RCNYS), in which case, the applicable regulations of the respective construction method must be followed. Additionally, the Uniform Code does not preclude *tiny houses* from being constructed on a chassis with wheels, and the relocation of a *tiny house* to a previously approved site is subject to the “Relocated or Moved Buildings” provisions of Appendix J of the 2020 RCNYS.

### Minimum Required Features

Both the 2020 RCNYS and the 2020 Property Maintenance Code of New York State<sup>1</sup> include provisions applicable to *dwelling units*. However, Appendix Q relaxes some specific requirements applicable to *tiny houses*, including the following:

**Ceiling height and headroom.** *Tiny houses* are allowed to have an unobstructed ceiling height of not less than 6 feet 8 inches in habitable spaces, not less than 6 feet 4 inches in non-habitable spaces, and a stair headroom of not less than 6 feet 2 inches (AQ103).

**Room area.** Lofts used for sleeping or living space are allowed a floor area of not less than 35 square feet, with a minimum dimension of 5 feet (AQ104). The square footage of lofts is not included in the “400 square feet or less” floor area requirement.

**Loft Access.** According to Section AQ104.2, “the access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.” These sections include dimensional requirements for stairways, ladders, alternating tread devices, and ship’s ladders that are specific to *tiny houses*. However, stairs guards and guardrails are required to comply with the provisions of Chapter 3 of the 2020 RCNYS.

**Escape and rescue openings.** *Tiny houses* are required to meet the requirements of Section R310, except that “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.” See Section AQ105.1.

**Electric service, heating, kitchen, and toilet facilities.** The 2020 RCNYS includes exceptions for heating facilities, electric service, potable water, and the provision of kitchen and toilet facilities in owner-occupied one-family dwellings of any size, subject to the approval of the code enforcement official. However, where provided, plumbing fixtures shall be connected to an approved water supply and sewage disposal in accordance with Section R306 of the 2020 RCNYS.

Additionally, the 2020 Energy Conservation Construction Code of New York State<sup>1</sup> includes an exception for “low-energy buildings,” which are defined in Section R402.1 (N1102.1 of 2020 RCNYS) as: “those with a peak design rate of energy usage less than 3.4 Btu/h · ft<sup>2</sup> (10.7 W/m<sup>2</sup>) or 1.0 watt/ft<sup>2</sup> of floor area for space-conditioning purposes.” *Tiny houses* could be eligible for this exception depending on the type of space-conditioning and energy-saving measures provided.

The information contained in this document is not intended as a comprehensive listing of all the requirements pertaining to *tiny houses*. Other provisions of the Uniform Code may apply.<sup>2</sup> Similar to conventional homes, each tiny home is unique. Each instance must be individually reviewed, inspected, and approved based on the use and applicable Uniform Code provisions.

<sup>1</sup> Access to online versions of the 2020 Codes of New York State may be found on the [DBSC website](#).

<sup>2</sup> As highlighted by OFPC, the provision of Sections R314 and R315.1 of the 2020 RCNYS for smoke alarms and for carbon monoxide alarms are often missed.