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PROPOSED OVERSTRAND MUNICIPALITY TINY HOUSE POLICY****17/5/B****S Muller****Director: Infrastructure & Planning****30 May 2022****(028) 313 819**

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**1. Executive Summary**

The purpose of this report is for Council to approve the proposed Tiny House Policy for public participation.

The proposed Tiny House policy is attached as Annexure A.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Directorate: Infrastructure & Planning

Department: Town Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
The provision and maintenance of municipal services  
Creation and maintenance of a safe and healthy environment  
The promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

This policy is developed in the context to the following legislation, policies and strategic frameworks:

- The National Building Regulations and Building Standards Act (Act 103 of 1977), the NBR.
- South African National Standard 10400: The Application of The National Building Regulations (SANS 10400).

**6. Background/Discussion/Evaluation/Conclusion****Background**

A global shift towards simplicity and minimalism in the built environment in recent years has birthed the 'tiny house trend', which has taken off across the globe and has recently made its way to South Africa.

A Tiny House complies with the definition of a residential dwelling house but on a smaller than usual scale.

The tiny house movement (also called the small house movement) is an architectural and social movement that advocates for downsizing living spaces, simplifying, and essentially "living with less." According to the 2018 International Residential Code, Appendix Q Tiny Houses, a tiny house is a "dwelling unit with a maximum of 37 square metres of floor area, excluding lofts."

While tiny housing primarily represents a return to simpler living, the movement is also regarded as a potential eco-friendly solution to the existing housing industry, as well as a feasible transitional option for individuals experiencing a lack of shelter.

The purpose of this policy is to focus on primary dwelling houses with a footprint of less than 27m<sup>2</sup>.

### **Discussion**

The Policy proposes three categories of tiny houses, as follows:

- Permanent – Attached to approved foundation, prioritising occupant safety and energy efficiency,
- Temporary – Built on chassis or frame and may have wheels, prioritising mobility, or
- Transitional – living facilities for persons who lack shelter, prioritising flexibility to meet local needs.

The Policy provides guidelines to be considered by decision makers when considering building plans for tiny house.

The Policy also provides guidance regarding areas and land use zones where tiny houses will be considered.

### **Conclusion**

The Policy will give assistance to developers of tiny houses, and guidance to municipal officials who must consider building plan applications for tiny houses.

## **7. Financial Implications**

None

## **8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

Annexure A: Proposed Draft Tiny House Policy

**RECOMMENDATION TO THE COUNCIL:**

that the proposed Tiny House Policy **be approved** for public participation.

**RESPONSIBLE OFFICIAL :****S MULLER****TARGET DATE FOR IMPLEMENTATION :****29 JULY 2022**

# **OVERSTRAND MUNICIPALITY**



## **TINY HOUSE POLICY**

Draft Version 3 (23 May 2022)

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## 1. INTRODUCTION

A global shift towards simplicity and minimalism in the built environment in recent years has birthed the 'tiny house trend', which has taken off across the globe and has recently made its way to South Africa.

A *Tiny House* complies with the definition of a residential dwelling house but on a smaller than usual scale.

The tiny house movement (also called the small house movement) is an architectural and social movement that advocates for downsizing living spaces, simplifying, and essentially "living with less." According to the 2018 International Residential Code, Appendix Q Tiny Houses, a tiny house is a "dwelling unit with a maximum of 37 square metres of floor area, excluding lofts."

While tiny housing primarily represents a return to simpler living, the movement is also regarded as a potential eco-friendly solution to the existing housing industry, as well as a feasible transitional option for individuals experiencing a lack of shelter.

The purpose of this policy is to focus on primary dwelling houses with a footprint of less than 27m<sup>2</sup>.

## 2. LEGAL FRAMEWORK

The legal framework for all buildings in South Africa is contained in the following two documents:

- The National Building Regulations and Building Standards Act (Act 103 of 1977), the NBR, and
- South African National Standard 10400: The Application of The National Building Regulations (SANS 10400).

All buildings must be approved by the Local Authority. When considering an application for a building, the decision maker must take into consideration all aspects of the NBR and SANS 10400.

When considering an application for a tiny house, the following three sections are of particular importance:

### 2.1. SECTION 7 OF THE NBR

Section 7 of the NBR reads as follows:

#### *7. Approval by local authorities in respect of erection of buildings*

- (1) *If a local authority, having considered a recommendation referred to in section 6(1)(a) -*

- (a) *is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;*
- (b) *(i) is not so satisfied; or*
- (ii) is satisfied that the building to which the application in question relates –*
- (aa) is to be erected in such manner or will be of such nature or appearance that –*
- (aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;*
- (bbb) it will probably or in fact be unsightly or objectionable;*
- (ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;*
- (bb) will probably or in fact be dangerous to life or property,*

*Such local authority shall refuse to grant its approval thereof and give written notice for such refusal.*

## **2.2. SANS 10400 PART C: DIMENSIONS**

SANS 10400 prescribes that a primary dwelling house must be at least 27m<sup>2</sup> in area. Additional dwelling units on the same erf as a primary dwelling (second or third dwelling houses) are not limited in size in terms of the NBR.

SANS 10400, Part C: Dimensions reads as follows:

### *4.4 Floor area*

*The overall plan area of any dwelling house shall be not less than:*

- a) 15 m<sup>2</sup> in the case of a temporary building,*
- b) 27 m<sup>2</sup> in the case of permanent category 1 buildings, or*
- c) 30 m<sup>2</sup> in the case of any other permanent building.*

With the present tendency towards smaller sites, it is likely that many more houses of a size much smaller than has been common in the past will be built. In considering the very small permanent building it should be remembered that size cannot be equated to quality.

## 2.3. SECTION 18 OF THE NBR

Section 18 of the NBR reads as follows:

*18. Deviation and exemption from national building regulations.*

- (1) A local authority may, at the request of the owner in writing of any building or any person having an interest therein, in the erection of such a building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings*
- (2) A council may, at the request in writing of the owner of any building or any person having an interest therein and after consultation with the local authority in question, in respect of the erection of such a building or the land on which it is being or is to be erected, in writing permit a deviation or grant an exemption from any applicable national building regulation regarding the strength and stability of buildings*

## 3. CATEGORIES OR TYPES OF TINY HOUSES

Tiny Houses can be grouped into three categories, based on their intended use:

- Permanent – Attached to approved foundation, prioritising occupant safety and energy efficiency,
- Temporary – Built on chassis or frame and may have wheels, prioritising mobility, or
- Transitional – living facilities for persons who lack shelter, prioritises flexibility to meet local needs.

### 3.1 Permanent Dwelling

Permanent tiny houses are attached to an approved foundation and prioritize occupant safety and energy efficiency at the expense of mobility. Permanent tiny houses must meet the requirements of the NBR, except for the dimensions. The NBR requirements for permanent houses are well-established and expanded upon in Section 4 of this document. Builders, developers, and consumers may find this the easiest path to legally site and occupy a tiny house.

Sleeping lofts are allowed in tiny house, a ladder or stairs may be used as the primary means of access to the sleeping lofts.

Service connections (Water, sewage, electricity) will be required as per normal building regulations (SANS 10400).

Plan approvals and inspections are mandatory and provided by the Municipality.

Builders, electricians, and plumbers who work on a tiny house must be licensed/registered.



### 3.2 Temporary Dwelling

Tiny houses attached to a frame or chassis (which may or may not have wheels attached), park model recreational vehicles, or tiny houses on wheels are considered temporary dwellings. Temporary dwellings prioritize mobility and allow for the use of space-saving features like sleeping lofts and ladders.

Temporary tiny house may only be established in areas zoned as resorts or areas zoned as less formal development zones.

Mobile tiny houses are designed for regular movement on public highways and subject to the National Road Traffic Safety Act (NRTA). This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers. Temporary tiny houses not designed for regular movement on public highways can be transported under a trip permit or an over-dimension permit.

### 3.3 Transitional Housing

The establishment of transitional housing units to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing can be allowed.

Transitional housing units can include shacks, cabins, fabric structures, and other similar accommodations. Transitional housing units may only be established in areas zoned as less formal development zones. are established and regulated at the local government level. This standard is a service to local government and has no regulatory impact until adopted by local government.

## 4. TINY HOUSE GUIDELINES

This section must be read with the NBR and SANS 10400.

### 4.1. GENERAL

#### Scope

This part is applicable to tiny houses used as primary single dwelling units.

### 4.2. DEFINITIONS

The following words and terms shall, for the purposes of this document, have the meanings shown herein. Refer to the NBR and SANS 10400 for general definitions.

**TINY HOUSE:** A dwelling that is 27m<sup>2</sup> or less in floor area with or without lofts.

**LOFT:** A floor level located more than 800 mm above the main floor, open to the main floor on one or more sides with a ceiling height of less than 2100mm and used as a living or sleeping space.

#### **4.3. CEILING HEIGHT**

##### **4.3.1. Minimum ceiling height**

Habitable space in tiny houses shall have a ceiling height of not less than 2100mm.

Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 1900mm.

Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in lofts are permitted to be less than 2100mm.

#### **4.4. LOFTS**

##### **4.4.1. Minimum area**

Lofts shall have a floor area of not less than 2.0m<sup>2</sup>.

##### **4.4.2. Minimum dimensions**

Lofts shall be not less than 1.0m in any horizontal dimension.

##### **4.4.3. Minimum height of loft area**

The height of a loft measured from the finished floor to the finished ceiling shall not be less than 750mm.

##### **4.4.4. Loft access**

The access to the primary egress from lofts shall be by means of a stairway or ladder.

##### **4.4.5. Loft Guards/balustrade**

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 400mm in height.

##### **4.4.6. Other general requirements:**

Bracing must be regarded as critical.

## 5. ZONING AND AREAS

### 5.1 Zoning codes determine where owners can site their tiny houses.

Tiny houses will be considered in the following zones:

- Resort Zone:

Temporary Tiny Houses, built on chassis or frame and may have wheels.

- Less Formal Residential Zone:

Permanent Tiny Homes, attached to approved foundation, Temporary Tiny Houses, built on chassis or frame and may have wheels, and Transitional Tiny Homes, living facilities for persons who lack shelter, prioritises flexibility to meet local needs.

- Residential Zone 1: Single Residential

Permanent Tiny Homes, attached to approved foundation. Direct neighbours' consent is required.

### 5.2 The consideration of the specific areas where tiny houses could be constructed must take the following into account:

- Requirements of Section 7 of the NBR,
- General style and value of buildings in the area, and
- Need and Desirability.

## 6. PROCEDURAL REQUIREMENTS AND APPLICATION PROCESS

The process to obtain permission to erect a tiny house are as follows:

### 6.1 Before formally submitting an application, an applicant must first discuss the details with the relevant official in the Building Control and Town Planning Departments.

### 6.2 The applicant must then submit a building plan application to the Building Control Department, together with a motivation and application for exemption and/or deviation from all the relevant parts of the NBR.

If the application is for an exemption and/or deviation not allowed for in the NBR (i.e. health, safety or structural integrity), a competent person must be appointed to undertake a rational design or assessment for the exemption / deviation.

### 6.3 The building plan application is then assessed by the Municipality, taking all relevant legislation and this Policy into consideration.

- 6.4 Once assessed, the application is referred to the competent authority for decision.
- 6.5 The applicant is notified of the decision.

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