

Dear Karl Aittaniemi And ANSI,

I am writing an amended pins complaint in response to a pins notification from the International Code Council (ICC) titled BSR/ICC/THIA 1215-202x, Design, Construction and Regulation of Tiny Houses for Permanent Occupancy (new standard) for the following reasons;

- 1) It is a violation of the ANSI Essential Requirements For Due Process. ICC did not follow “Good Faith Efforts” And “Coordination And Harmonization” And Is Duplicating ASTM.**

ICC is well aware of the ASTM Tiny House Standards Development Already In Progress. Both members of ICC and THIA are on the ASTM Tiny Houses subcommittee.

The International Code Council and the Tiny Home Industry Association (THIA) that are co-branding this standard fought against a new ASTM Tiny House committee being developed for a A YEAR. The ASTM stakeholders followed all the requirements, won every vote and milestone. Both organizations were invited to participate from the beginning and their objections were given a year long due process.

There was a COTCO hearing that heard both sides, ICC attended and proponents for ASTM that resulted in the approval of activity of tiny houses, and resulted in a new subcommittee called Tiny Houses E06.26 within E06 Performance Of Building.

Scope Of The ASTM Tiny Houses Subcommittee

The focus of this committee is the development and maintenance of voluntary consensus standards for tiny houses, with attention to safety, quality, uniformity, reliability, consumer confidence, and ethical business practices, including, but not limited to, best building practices, test methods, certification, a global quality assurance program, requirements and auditing of 3rd parties that provide plan review and inspect tiny houses, tiny house community developments, micro-grid utilities, and minimum construction requirements. The work of this committee will be coordinated with other ASTM technical committees and other national and international organizations having mutual or related interests.

ASTM Tiny Houses E06.26 have 6 approved standards already in progress that include terminology, foundations, tiny houses on wheels (chassis), certification- administrative

provisions, plan review, inspection, and third party requirements, and tiny house communities, and micro-grid utilities.

[ASTM Press Release](#)

2) It is a violation of the ANSI Essential Requirements For Due Process For A Lack Of Dominance.

ICC is co-branding this standard with THIA, which is a conflict of interest, because both organizations tried to jointly stop the ASTM Tiny House initiative with false claims of duplication and they co-publish documents that they both can sell. Their joint relationship has superior leverage, a position of dominant authority, **joint financial incentives**, and a conflict of interest because an ICC subsidiary individual is a board member on THIA, and a board member of THIA was on the ICC off-site standards committee that represented tiny houses that developed ICC/MBI 1200 and 1205 that ICC states is being used as a base document for this new standard. ICC is also a member of THIA.

Two board members of THIA started a private builders group last year that was developing a new standard for tiny houses on wheels behind closed doors that we were not allowed to attend. One board member included the same individual that represented tiny houses on the ICC off-site standards committee. The work on this standard is already in the works behind the scenes, with the dominant voice being ICC and THIA. Builders that had a prior bankruptcy were also barred from attending. Attached is a description Of the private committee led by 3 THIA board members.

National Tiny Home Builders Committee...Tiny Home Builders Working Together toward a common goal

The National Tiny Home Builders Committee is a group of like-minded Tiny Home Builders that share an interest in actively building, developing, innovating, and promoting quality tiny homes on wheels for full-time living.

Our only focus within this group will be on how Tiny Homes on wheels are constructed! The task will be to create a “best practice” standard for the construction of Movable Tiny Homes that can then be used in cohesive efforts in the political arena at the local, state and national levels.

Outside of this group, there are active conversations taking place in regards to creating Tiny Home standards. While we feel these conversations are great, the scope of these talks are far too broad and not focused on simply a construction standard.

We believe Tiny Home Builders should have the **loudest voice** when construction standards are discussed. This is why the National Tiny Home Builders Committee is being formed and we'd like for you to be a part of it.

The National Builders

Committee will consist of builders who are actively building quality Tiny Homes on wheels and who are not actively involved in any Chapters of Bankruptcy and or dealing with legal suites that could bring negative attention to the committee and or the Tiny Home movement in general.

Who will the meetings be facilitated by?

Facilitator - Nick Mosley with California Tiny House

Facilitator - Mike Cheatham with Movable Roots

Secretary - Lindsay Wood with Experience Tiny Homes

[Board Of THIA](#)

[ICC Off-Site and Modular Construction Roster Committee](#)

3) Unethical Behavior Of The International Code Council

During the time we were trying to answer the false duplication claims of ICC, I was told by an ICC subsidiary that **ICC is not going to LET ASTM create a residential standard**, warned that I was close to a libel suit after I pointed out who was behind a joint ICC/THIA publication, and was even told in an email that they were thinking about restricting our use of AQ and the HUD code.

The centralized power that ICC has to develop codes, standards, ICC ESR reports, ICC accreditation, ICC training, ICC inspectors and the acquisition of NTA, which is now referred to as ICC NTA which allows ICC to offer testing, inspection, and plan review has given them unchecked power and should be investigated to the fullest extent, as they are abusing their position, and do not have a firewall between the codes and standards they develop and their services and are operating as a monopoly. All marketing of the ICC codes, standards, and ICC services point back to the services of ICC and include only organizations that they co-brand with such as the Modular Building Institute and the Tiny Home Industry Association.

[Example Of The ICC Marketing](#)

The ICC news release speaks of complimenting ASTM, but in actuality, the new ICCTHIA standard is in direct conflict with ASTM, duplicative, and will create chaos, confusion, and division in an already fractured industry, with ICC and THIA dominating the standard development. There are also misleading statements such as ICC/MBI 1200 and 1205 is contained in the IRC. Both standards are voluntary, they are NOT REQUIREMENTS and were turned down at the 2024 IBC hearing 13 to 1.

ICC states the standard will be international, but has determined that their own codes and standards will be the base documents.

- 4) ICC/MBI 1200 And 1205 Has Been Predetermined To Be Base Documents For The New Standard.

ICC MYTH

" This standard will codify existing requirements for the design, construction, inspection and certification of tiny houses used as permanent dwellings into a single standard and address identified gaps in available requirements for foundations and chassis.

The 2021 International Residential Code (including Appendix AQ), and ICC/MBI Standards 1200 and 1205 will serve as the initial base documents with references to other existing standards."

The above statement is a myth and very misleading and was a part of the pins announcement. ***Existing requirements for the design, construction, inspection, and certification of tiny houses DO NOT EXIST at this time.***

A tiny house is a marketing term, and most often they are built to RV or Caravan standards, or as a modular unit, or to the HUD code, or in CSA-ZZ40MH in Canada.

ICC is trying to FORCE standards ICC/MBI 1200 and 1205 that was co-branded by the Modular Building Institute and is trying to force compliance of the modular industry that is already established in 35 states on the tiny house industry that is *newly being developed as their own industry.*

The 2 ICC/MBI Standards 1200 and 1205 developed by the ICC Off-Site And Modular Construction Standards Committee (IS-OSMC) were disapproved at the IBC 2024 hearing and one reason was because tiny homes were included in the standards.

Currently all tiny house/home terms have been stricken from the scope of the committee, the scope of the standards, and the body of the standards. The committee blamed the disapproval on the tiny home terms, but actually Tom Hardiman, with the Modular Housing Institute and co-chair of IS-OSMC that presented at the hearing, stated he did not know how to answer the

questions regarding tiny homes, and no one from the tiny house industry was present to answer the questions.

The standards were not well received by the code council. The code officials also stated the code has already covered many aspects that the standards were addressing. The definitions are too broad for off-site modular components. Precast elements are already addressed in the code. One commenter saw conflicts with certification already addressed in the code.

Micah Chappell City Of Seattle, State Building Code Council was the first to make a motion to disapprove the standards, he stated;

" IRC Appendix Q is not required to be adopted by states or it is not required to be used, and tiny house is not defined in the IBC. This proposal would take the tiny house, which is just a dwelling unit, and take the review and application requirements of that dwelling unit and push it to a standard.

I do not agree with that. When we are talking about tiny houses and Appendix Q, they are very specific, but there are two criteria here that are not defined, a tiny house on wheels, or a tiny house like the other modular buildings where it is possibly driven in and then craned onto a foundation. So blanket items for tiny houses, I do not agree with. "

International Building Code - General

2021 Group A - Report of the Committee Action Hearing Results

G102-21

Committee Action:

Disapproved

Committee Reason: This proposal was disapproved. The definition for off-site construction included modular buildings and components. Modular units are typically regulated by state specific requirements. The definition for off-site construction includes tiny houses. Tiny houses are not address by the code, but are in Appendix Q. This blanket exception for tiny houses is too broad. Would this cause a conflict with the tiny house emergency escape and rescue openings? The definition of off-site construction is too broad - it could be read to include items such as prefabricated trusses, the modular units and sleep pods in G101-21 or precast panels. (Vote: 13-1)

G102-21

Reasons For Disapproval At The IBC Hearing

- *The definition for off-site included modular buildings and components. Modular units are typically regulated by state specific requirements.*
- *The definition for off-site construction includes tiny houses. Tiny houses are not address by the code, but are in Appendix Q.*
- *This blanket exception for tiny houses is too broad.*
- *Would this cause a conflict with the tiny house emergency escape and rescue openings?*
- *The definition of off-site construction is too broad-it could be read to include items such as prefabricated trusses, the **modular units** and sleep pods or precast panels.*

*After the IBC hearing, the committee decided to remove all tiny home terms, along with Appendix AQ Tiny House from the scope of the committee, the scope of the standards, and from the body of the standards 100% with the theory that there was no need to call out tiny houses, because they were **"inclusive"**.*

**Tiny Home Terms Were Deleted From ICC/MBI 1200 And 1205
From The Scope Of The Committee
And The Body Of The Standards , Below Is The Committee's Reason**

Reason: This Committee proposal deletes all mention of tiny homes in the ICC 1200 & 1205 Standards. Requirements for tiny homes are adopted by the AHJ, and should not be mandated by the Standards. AHJ may adopt IRC Appendix Q, but they may not. This will leave that decision up to them and not require it when the Standards are adopted.

Back The Tiny House Trailer UP-

Doesn't This Reason Contradict The Statement That Is In The Description And Scope Of The New ICC/THIA Standard That Requirements For Tiny Homes Are Adopted By The AHJ, And Bingo- Should Not Be Mandated By The Standards?

Reason: This Committee proposal deletes all mention of tiny homes in the ICC 1200 & 1205 Standards. Requirements for tiny homes are adopted by the AHJ, and should not be mandated by the Standards. AHJ may adopt IRC Appendix Q, but they may not. This will leave that decision up to them and not require it when the Standards are adopted.

[May 21 Car Report](#)

I attended one meeting when the two standards were being developed and was screamed at by the co-chair for asking them to remove the ICC services in standard 1205. At publication they were removed. I also tried to communicate with the co-chair and staff of ICC through an email exchange and the co-chair removed himself from what he stated was "unproductive".

Nick Mosley also refused to communicate with the ASTM stakeholders when he first objected to a subcommittee at one of the initial ASTM organizational meetings. I personally told him that we would get back to him after I spoke to ICC and ASTM, but he refused to communicate, even though he had the role of representing tiny houses at the ICC off-site committee.

ICC and THIA have positioned themselves as the only authority of tiny houses and they expect the rest of the industry to be at the constant changing whims of their decisions that leave out the rest of the industry.

Twice, tiny houses on wheels have been turned down at ICC and never saw the light of day, because wheeled units are regulated by NHTSA and DOT.

ICC Did Not Allow Tiny Homes On Wheels In The Initial Proposal Of Appendix Q Tiny House That Was Approved For Inclusion To The 2018 IRC.

From Andrew Morrison, Co-Author Of Appendix Q Tiny House

"I had to make some last minute changes to the proposed code language to remove the word moveable" from my original proposal entitled "Movable Tiny Houses." Unfortunately, the head of the ICC code approval process said that he would not accept the proposal as written because he believed it was what they call in the industry a "hijack" of the original proposal.

After many conversations and emails with the official, I decided to amend the proposal so that he would allow it to move forward. After all, when he said "if you keep the moveable details in there, I will throw the whole thing out" it became crystal clear what my options were. "

[Source Washington Tiny House Association: So What Exactly Is Tiny House Appendix Q](#)

We Cultivated A Spirit Of Collaboration With ICC Early On

To avoid duplication, or a conflict of interest, and to cultivate a spirit of collaboration, I personally reached out to ICC very early in our initial negotiation with ASTM and also made ASTM aware

of the ICC Off-Site And Modular Construction Standards Committee that were developing two standards;

ICC/MBI 1200 Standard for Off-site Construction: Planning, Design, Fabrication And Assembly

1CC/MBI 1205 Standard for Off-site Construction: Inspection, Regulatory Compliance

At the time of our initial discussion with ICC, tiny home terms were included in the scope of the committee, the scope of the standards, and the body of the standards. I was never concerned that there would be a conflict, because the tiny homes would be built to Modular Construction which is built off-site and must comply to model building codes to where the tiny house would be transported to. We had several calls with ICC.

March 9th, 2021: Leonard Morrissey, Lissy Velez, Janet Thome, Bob Gorleski, and Mark Johnson, the ICC/ASTM liaison had a call and introduced our ASTM committee and a primary goal to develop a tiny house on wheels standard.

August 2021: Lizzy Velez spoke to Karl Aittaniemi, the ICC Director Of Standards- regarding the THIA objection and the subject of duplication sometime in August.

Sept 1st, 2021: Leonard Morrissey, Lissy Velez spoke to Karl Aittaniemi and Mark Johnson with ICC regarding the THIA objection and also to understand the position of ICC and our ASTM committee.

Mark Johnson attended the second call with the stakeholders.

Nov. 8th 2021: ICC was invited to the organizational meeting on approving the proposal to be presented to COTCO. They did not attend the meeting to vote.

During the initial phase of the ASTM negotiation, I spoke to both Karl and Mark to make sure I understood how to not be in conflict with the codes, and I received supportive information and I was instructed on how to complement and supplement the code, including Appendix Q Tiny House. Karl spoke of collaboration in case in the future, potential standards would be referenced in the codes that would require mandatory language.

Two members on the board of the Tiny Home Industry Association (THIA) are also on the ICC Off-Site And Modular Standards Committee. A lot of the ICC objection is a recycled version of the THIA objection. The THIA objection delayed us for 4 months. Part of the THIA objection was because they stated they were going to submit an I-Code amendment for Appendix Tiny House for the 2024 IRC. They did not end up submitting the amendment.

[THIA Objection](#)

[ASTM's Answer To THIA](#)

Closing Thoughts

I was the proponent that spearheaded the tiny house initiative with ASTM International. I am not officially affiliated with ASTM, or a staff member, and this statement is my opinion and personal comments.

The ICC news release is a complete contradiction to how ICC and THIA jointly fought the ASTM committee and their claims to compliment the standard development that is already underway at ASTM and are a duplication.

A Quote From The ICC News Release

"The standard complements the work of ASTM's recently established [E06.26 Subcommittee on Tiny Houses](#) by combining existing criteria for tiny houses used for permanent occupancy into a single, referenceable location. Ryan Colker, Code Council Vice President of Innovation, David Tompos, President of ICC-NTA, and Brad Wiseman, CEO and Board Chairman of THIA, are members of this ASTM subcommittee and will work alongside other members to ensure that the Code Council and ASTM efforts avoid overlap and complement each other, in addition to providing consistency and clarity for tiny house builders, code officials and municipalities on corresponding codes and standards. "

The three individuals that are named in the news release that are members of ASTM are the very same individuals that not only fought the ASTM Tiny Houses Committee, but worked against the ability for ASTM to meet the Colorado rule-making for tiny homes that listed ASTM in the bill.

They also state that their new standard complements the work of ASTM -but then state it will be in a single, referenceable location. ***The location meaning ICC.***

They also state that they will avoid overlap. ***The new ICC/THIA standard in its entirety is already overlapping ASTM.***

I used to have the greatest respect toward ICC and I personally have been involved in the most thorough compilation of Appendix Q Tiny House and the adoption process across the nation,

and I have been involved in public comments to support AQ and when I was on the board of THIA, I fund raised for them, and my efforts helped pay for the 2021 edition of AQ.

The ICC news release clearly states that they desire the standard to be adopted internationally but ICC fails to consider the terrible impression they made on the international stakeholders who had to sit through the US Tiny House standards war first with THIA, and then ICC for a year, with false claims of duplication and as you know from the letter that the Australian Tiny House Association (ATHA) sent, they detailed their pins objection to the new ICC/THIA standard and they stated:

“ATHA does not support the duplication of the ICC/THIA Standard for tiny houses and we have removed all references to Appendix Q, from our Tiny House Construction Guide to eliminate any perception of involvement with ICC and THIA. ”

The other countries have reported to me that they do not have an ICC and THIA trying to disrupt the progress of the tiny house industry, while claiming to progress the tiny house industry, and it is disturbing that the CEO, the President, and other staff of ICC are pushing this agenda and fought the ASTM tiny house standard development which is in contradiction to ICC Antitrust Policies, and the following ICC policies:

ICC does not have the power or authority to police or enforce compliance with the contents of this standard. Only the governmental body that enacts this standard into law has such authority.

Compliance Alternative: The standards state- nothing in this standard is intended to prevent the use of designs, technologies or products, including listed and labeled modular components as alternatives to any prescriptions in this standard, provided that equivalence is demonstrated and approved by the authority having jurisdiction.

Provisions that do not restrict the use of new materials, products or methods of construction- (The ICC objection to ASTM was restriction of a new method of construction and product).

Provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

I would like to request a copy of the financial agreement between ICC and THIA for THIA to sell the ICC publications and I look forward to the hearing.

[ICC News Release: International Code Council and the Tiny Home Industry Association Initiate Standards Process to Update Tiny House Requirements](#)

With Respect,

Janet Thome President

[Tiny House Alliance USA](#)

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Amended: April 22, 2023

