



**Eric Fried's PINS Cpmplaint/Objection To
Proposed ANSI standard BSR/ICC/THIA 1215-202X**

I hereby register my PINS complaint/objection to proposed ANSI standard BSR/ICC/THIA 1215-202X "Design, construction and regulation of Tiny Houses for permanent occupancy."

There are several grounds for this complaint. First, it would COMPLETELY overlap, compete with and possibly preempt ASTM Tiny House standards under development by a subcommittee of the ASTM E06 Performance of Buildings committee. Indeed, based on the observed behavior of ICC, it may well have been deliberately designed to do so.

Second, the proposal clearly violates ANSI's Essential Requirements for standards development including but not limited to Openness, Lack of Dominance, Balance, Coordination and Harmonization, and Notification of Standards Development.

Third, ICC has clearly violated its own stated principles, policies, and procedures, including but not limited to Standards Development, Consensus Procedures, Code of Ethics, and potentially Antitrust Compliance.

The best way I know to explain all this is with a narrative.

By way of background, I have served as the Chief Building Official for Larimer County, Colorado, since 2012. Located in north central Colorado, Larimer County is the sixth most populous county in the state. I have worked here for over 25 years and have been in the building code field for over 32 years. In all that time, I have been a member of either the International Code Council (ICC) or one of its predecessor organizations, the International Conference of Building Officials (ICBO), and held them in high regard, including participation in code development and in the state chapter legislative committee.

For many years, our customers have asked us how they can live in a Tiny House on a permanent basis. Because of our geographic location, urban-rural mix, presence of a state university, and other factors, we likely have a higher than average interest in Tiny House living than other areas. We had to tell our customers repeatedly that there was no legal path to permanent Tiny House occupancy, just as there was no standard for such Tiny Houses. Absent a recognized standard, Tiny Houses were forced into one of several boxes in which they do not

really fit: RVs (which are for temporary occupancy), HUD standard home, IRC modular home or black market, completely unapproved hybrid home/vehicle.

After years of such frustration, one of our County Commissioners asked me to draft a memo on state law changes that would be needed to allow permanent occupancy of Tiny Houses. That kicked off a process that ultimately led to last year's passage of Colorado House Bill 22-1242, whose prime sponsor was Fort Collins state Representative Cathy Kipp.

HB22-1242 is one of the first attempts at comprehensive state regulation of Tiny Houses in the US. Among other things, the bill directed the Colorado Division of Housing to adopt a state Tiny House standard by July 1, 2023. At the time, no such standard existed, but a proposal was working its way through ASTM to create one.

During bill development, which included many meetings with interested stakeholders, I was asked to set up a meeting with ICC Government Relations staff to discuss their concerns with the bill. ICC's representatives told me they wanted the bill to declare ICC's International Residential Code (IRC) as THE Tiny House standard. In coordination with Rep. Kipp and others, we demurred on several logical grounds, including that the standards ought to be considered first by the Colorado Housing Board, that putting a standard in law is too rigid and requires a legislative act to change or update it, and that the IRC does not contain complete provisions for Tiny Houses (including those on wheels or using unconventional foundation types).

The ICC reps asserted then, as they have asserted to me many times, that in fact, the IRC contained EVERYTHING needed to construct, regulate and inspect a Tiny House. When we explained that the state Housing Board would have to adopt a standard by July 1, 2023, I could almost see the light bulb turn on above their heads. If there were no such standard in place by the deadline, what alternative would Colorado have but to rely on the IRC, a proprietary product owned by the ICC? At that point, they dropped their opposition to the bill but recommended we adopt their product as the basis for the state standard.

At the same time, ICC's lobbyists were doing everything they could to deny or at least delay the development of an ASTM standard, using the same specious argument that no such standard was needed because everything was already in the IRC. Even though the proposal had already passed most of the required ASTM standards development steps (including COTCO approval), ICC continued to exert what appear to be undue influence (dominance?) and unseemly pressure on ASTM to withhold final approval. A less charitable man than I might characterize ICC's tactics as bullying.

After ICC delayed creation of an ASTM Tiny House committee for a year - thereby harming code administrators like me, as well as Tiny House builders, customers, and other stakeholders- ASTM compromised and created a Tiny House subcommittee. By then it was too late for a potential standard to help guide a Colorado state standard by the statutory deadline. Mission (partly) accomplished?

Therefore, I was flabbergasted when ICC announced last month that it was proposing creation of an ANSI standard to duplicate the work of the ASTM E06 subcommittee. I have been told repeatedly by ICC that no such standard was needed since the IRC contained everything needed. When and how did the IRC suddenly become inadequate? Perhaps the day the ASTM E06 subcommittee finally got a green light to proceed?

Turning (part of) an ICC code (especially 2021 IRC Appendix AQ) into a standard is a significant change not to be done lightly. The last time something similar happened was after adoption of the 2021 International Energy Efficiency Code (IECC) when some stakeholders objected to certain amendments and the on-line governmental consensus voting process used to adopt the code.

Because this was a major change, ICC employed a robust public engagement process, including a vote to consider the idea, announcement to interested members, numerous open meetings, discussion, debate, and final action. The process even attracted interest from the US Congress and media.

In this case, as best as I can tell, none of this occurred. No announcement that ICC was even considering this change, no input, no discussion, no debate. Somewhere, somehow, in the dark of night, ICC's leadership made this decision and let people know just before formally proposing a new ANSI standard. Perhaps the decision was taken months ago. No one but ICC knows, and they're not saying.

As a Class A dues-paying Governmental Member of ICC, I sent them an email requesting simple information on how and when the decision was made to propose creating a new Tiny House standard. Amazingly, I have been completely stonewalled on my request for transparency. I reiterated my request in writing for an agenda of the meeting where the decision was to be considered, minutes of the meeting when the decision was made, any email, text, website announcement or media release informing anyone that such a decision was being considered.

Amazingly, no one at ICC, not Dominic Sims, standards or other, staff or members of the board, has responded to my request with any information. I suspect they know that the decision was not properly made - it certainly was not open nor consensus-based - and that airing the truth will not help their efforts.

In sum, ICC appears to be acting in a bad faith, opaque, monopolistic manner to dominate the Tiny House regulatory market and prevent any competition. There is no good reason to approve their new ANSI standards effort and multiple compelling reasons not to.

If nothing else, please do not approve this proposed standard moving forward until ICC produces a record of their internal decision-making process that led to their ANSI standard proposal. Maybe they will respond more favorably to you than to their own dues-paying member

who is only a lowly county building official interested in Tiny Houses (because our customers are).

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