

Put a Stake in this “Sub-Standard” ... Before it’s Too Late!

Why I believe the Tiny House Community of Owners/and DIY Tiny Home Creators, Professional Tiny Home Builders, and Affordable Housing Advocates all across the country want to put a “Stake in the Heart” of the proposed “Vampire Sounding and Looking” ICC/THIA Standard:

“ICC 1215 ICC/THIA 1215-202x, Design, Construction, Inspection and Regulation of Small Residential Units and Tiny Houses for Permanent Occupancy”

The Tiny House “Standards Wars”:

For those of you that have not been “plugged in” to the inner workings of the code and standards setting processes in the Housing Marketplace, (like HUD, Modular, Pre-Fab, or Tiny House verticals) you may not realize that there are some factions in the industry who have “serious” market positioning objectives to gain dominance of key areas of the Tiny House marketplace, (like trying to create a “defacto” definition of what a small residential house might be in terms of size). They call it an “SRU” or Small Residential Unit). Not only will this ill-advised term confuse the marketplace, it’s not even required in the marketplace as Tiny Homes have already captured the under 400 SqFt baseline and there is no more need for another housing designation above this and up to 1,200 sqft as they have been proposing. You can already build modular homes, and stick-built homes under existing building codes and standards.

It’s an idea searching for a solution. In addition to trying to create a new housing type out of thin air... the ICC and THIA “Federation” are also trying to standardize on how a Tiny Home gets certified and inspected by a small number of “insider” certification and inspection firms with direct ties to their own in-house certification and inspection companies, clearly with an eye on dominating the marketplace. Seems like just another attempt to control and influence the direction of an emerging market commercially before it ever gets out of the starting blocks. We all know what happens next... The “Rebel Alliance” rises up to fight the “Empire” back. Welcome to the Tiny House Standards Wars!

So that’s why I am a big supporter of, and willing to contribute my professional experience and history in the emerging Tiny House marketplace (since 2015) to this **CHANGE.ORG Petition** that Janet Thome has recently posted:

“Oppose ICC Standard Hijacking Tiny Houses with Small Residential Units”

<https://www.change.org/p/oppose-icc-standard-hijacking-tiny-houses-with-small-residential-units>

Your Petition Author:

As the Founder and President of Tiny House Alliance USA, (based in Marlin, WA) you should know that Janet Thome is one of the most knowledgeable Tiny House consumer and commercial market development advocates I know in the industry that has developed a clear voice and vision about what is needed to drive and develop the Tiny House market. She has put in her time working for one of the early Tiny House Industry Associations, (THIA), and has grown and developed her own non-profit advocacy organization named **Tiny House Alliance USA** that has become a leading online source of news and information about the Tiny House Industry. She has created a channel of communications for addressing the needs of Tiny House Consumers, while extensively covering the local and national regulatory developments happening at the local, state and federal levels.

The Formation of the ASTM International Tiny House Sub-committee:

But it's her early efforts at rallying over 150 International stakeholders in 2021 and 2022 to develop and launch the New ASTM International Tiny House Sub-Committee. Yes, the Tiny House community has as its' own standalone Tiny House Standards Setting group that is now part of the Larger Performance of Buildings Committee (E06) at ASTM. Janet had reached out to me in mid 2021 to join the effort and we (along with a large group of volunteers) managed to get this committee launched despite direct attempts by ICC to shut us down. It's called E06..26 and has been "Official" since Nov Of 2022.

<https://www.astm.org/news/tiny-houses-jf23>

For more about our clashes with ICC to get the ASTM E06.26 Tiny House Sub-committee Formed read this extensive summary on the THAUS website:

<https://www.tinyhouseallianceusa.org/icc-model-legislation-for-tiny-houses/>

My "Position" regarding the ICC 1215 ICC/THIA 1215-202x Standards "Assault":

My name is Mike Schmidt and I'm the founder and CEO of a Colorado Springs based company named Ensemble Ventures, LLC. We are a 24+year old business development consultancy firm working with seed and development stage companies for pursuing Cap Formation, providing Business Development Strategies, managing Technology Adaptations and creating Strategic Marketing and Tactical Sales plans to address fast moving Go to Market solutions for growth oriented entrepreneurs. I've started companies around the world in a wide variety of markets so have seen a lot of different types of companies and "competitive" strategies emerge to compete in new as well as existing industries... but I have to tell you this battle being waged by ICC and THIA to create their own Tiny House Standard literally "Steals" the cake... because that is essentially what they are trying to do.

Why Does it Matter to Me?

Because, back in 2016 when I was retained by the "then" new Tiny Home Industry Association (THIA) by its original founder Rod Stambaugh, (who at the time was CEO of Sprout Tiny Homes a publicly traded Tiny House Builder located in Colorado) who had just received a "Blueprint 2.0 Grant" from the State of Colorado in an alliance with Governor Hickenlooper, to become its first "unpaid" Business Development Director. Back then I was charged by the THIA Board with not only growing and developing the new Industry Association for expanding the Tiny House community, but I was also actively involved in leading an initiative to help define and refine Tiny House building codes and standards for our industry. In fact, I put on the first Action and Impact Conference at the end of 2016 here in Colorado Springs to rally the industry to begin solving its codes and standards challenges that were emerging. Through this initial effort we created a number of baseline concepts and ideas for the development of more flexible and universal codes and standards that are now being pursued in the new ASTM International Tiny House Committee. In fact, some of the very people that I recruited while at THIA later went on to assume operating and management roles at THIA, but unfortunately in my opinion have now strayed from the original course I set.

Running Fast and Loose with both Process and Procedure:

As you will read in this Petition and in the subsequent updates provided by Janet... the "Code Cowboys" at ICC like to "Run Fast and Loose" with the Code Development Process... and in the end have begun to

run “Roughshod” over their own Code Development Processes and established ANSI Standard procedures to achieve their market dominating objectives. And this is not their first “Rodeo” when it comes to their attempts and influencing or manipulating the marketplace... like they have been doing in the Tiny House community.

For those keeping score, there is a “hit list” of notable lawsuits involving the International Code Council (ICC) in recent years.

1. ICC vs. UpCodes (Copyright Infringement & False Advertising)

- Subject: ICC sued UpCodes, a platform providing access to building codes, for copyright infringement and false advertising.
- ICC's claim: UpCodes copied and distributed ICC's copyrighted model codes ("I-Codes") and misrepresented the accuracy and completeness of its code offerings.
- UpCodes' defense: The I-Codes, when adopted by governments, become part of the law and are therefore not copyrightable.
- Supreme Court's relevant ruling (Georgia v. Public.Resource.Org): The Supreme Court ruled that copyright protection does not extend to works created by judges and legislators in the course of their duties under the "government edicts doctrine". The ICC argues this ruling supports their claim that the I-Codes, as developed by a private entity, are still protected by copyright.
- Status: The copyright infringement case is pending. A separate false advertising lawsuit filed by ICC against UpCodes was dismissed in 2021.

2. . Challenges related to code development process

- Subject: Groups like the American Council for an Energy-Efficient Economy (ACEEE) have raised concerns and potential legal challenges regarding the ICC's code development process, particularly regarding revisions to the International Energy Conservation Code (IECC).
- Concerns: Allegations of violations of ICC's internal procedures and the influence of industry interests in the code development process.

In summary: The International Code Council has been involved in several lawsuits in recent years, primarily focusing on copyright infringement of its model codes and evaluation reports, as well as false advertising claims. **Additionally, challenges have been raised regarding its code development process and its adherence to established procedures**

THAT'S WHY I SUPPORT THIS PETITION TO STOP THE ICC FROM INTERFERING WITH THE TINY HOUSE MARKET AND COMMUNITY!

We already have our own ASTM International Tiny House Sub-Committee Underway that is working on and developing the original set of proposed building code enhancements and voluntary consensus standards that were originally envisioned over a decade ago! Here is a link to the ASTM International Page that outlines the Matching Standards Under the Jurisdiction of E06.26 by Status:
<https://www.astm.org/membership-participation/technical-committees/committee-e06/subcommittee-e06/jurisdiction-e0626>

And a listing of the Workgroups underway:

- [WK93772](#) Administrative provisions, Plan Review, Inspection, And Third Party Requirements For Certification Compliance Of Tiny Houses
- [WK85863](#) Tiny Houses on Wheels
- [WK92954](#) Structural And Chassis Assemblies And Anchorage For Tiny Houses
- [WK85722](#) Building a Working Tiny House Community
- [WK85884](#) Developing Microgrid Standards to enable the Interconnection of Utilities to both Single Tiny Houses and Tiny Home Communities
- [WK84336](#) Standard Terminology Of Tiny Houses
- [WK92800](#) Designing And Building Tiny Houses And ADUs To Age In Place
- [WK85721](#) Tiny House Foundations

Why is the work of this Subcommittee E06.26 on Tiny Houses so Important... let me explain:

The goal for our new ASTM International Tiny House Committee is the identification and adoption of existing building codes and best practice standards for housing construction that can be updated and enhanced through the creation of “Adaptable Community Codes and Standards” for the establishment of Tiny Home Communities is to create adaptable and site-appropriate Tiny Home building standards and safety protocols to protect lives and property for the universal production of and placement of Movable and Modular Tiny Homes both in the USA initially, and eventually to become a backbone standard for possible use internationally.

The proposed legalized “placements” of Tiny Homes should include both ADU (Accessory Development Unit) allowed residential zones as well as in both publicly and privately developed cluster communities or communities of interest on private property where specially adopted county or municipal land use and zoning codes have been established to allow their long-term use and occupancy.

What we are proposing is a solution to affordable and attainable housing for millions of people who have been priced out of, and will never qualify for, the large and expensive “Market-Rate” housing stock being developed all across the country by a handful of developers operating in each market.

What are Adaptable Community Codes and Standards ?

- Back in 2016 our industry wanted to create a set of sustainable **“Community of Interest (COI) Housing Development Standards** for the creation of innovative Tiny Home Communities ranging in size from 5 Tiny Homes up to 30 Tiny Homes in “Cluster” configurations that can be accommodated in Infill, Suburban and Rural contexts, that would be able to meet all state and local health and safety zoning and ordinances for full time occupied dwellings.
- We wanted to develop **"Sustainable Tiny Home Building Standards"** that can unify and codify the quality of Tiny Homes built across a wide base of builders to meet local

health, safety, transport, installation, and energy efficiency standards that are often applied on a local basis.

- What we wanted to do was develop a **“Model Standard”** that could be quickly adopted by State Code Agencies, County Regional Planning Departments, and Local municipalities (or Authorities Having Jurisdiction) and their local planning organizations.
- We wanted to encourage local municipalities to adopt **“Creative Zoning and Ordinance Policies”** and procedures for the development of sustainable low-cost housing utilizing our flexible and adaptable housing development and model standards to create engaging, and vibrant communities.

It was envisioned back then as well as today that this new set of adaptable community codes and voluntary consensus standards would be able to accommodate one or more Tiny Houses to be placed into a single or multi-family zoning in most municipalities as well as to be able to be upgraded to exist in a to-be-defined “Community of Interest (COI)” Housing Development Standard that we were proposing that would be supported either by a private land-owner leasing “spaces” on their property for Tiny Houses to be located for permanent living, (through the creation of a self-sustaining privately funded and managed “Common Interest Cluster Community”) or through the deployment of Tiny Homes in a Community Land Trust (CLT) environment where a nonprofit holds land on behalf of a place-based community, while serving as the long-term steward for affordable housing, community gardens, civic buildings, commercial spaces and other community assets on behalf of a community.

In Summary:

What we don’t need is another large corporate take-over of a creative and evolving young industry (Tiny Houses) by entrenched industry actor(s) who only want to exploit it for achieving their own institutional goals and objectives.

That’s why you should support this Petition, and share its link far and wide so we can raise awareness about the actions of ICC and THIA as they attempt to try and “Hijack” our industry with a senseless and un-necessary set of codes and standards.

I believe that only through the adoption of and maintenance of voluntary consensus standards for Tiny Houses, with attention to safety, quality, uniformity, reliability, consumer confidence, and ethical business practices will our goal of developing affordable housing be achieved.

This would include, but not be limited to, developing best building practices, testing methods, creating open-standardized certification and inspection solutions, creating a global quality assurance program, developing requirements for and the auditing of 3rd parties that provide plan review and inspect tiny houses, the creation of innovative tiny house community standards, the exploration and use of micro-grid utilities, and creating realistic Tiny House construction requirements that save money and creates a new type of flexible and affordable house alternative for the world.

Rise of the Tiny House Rebels !

That's why I support the work of the ASTM International Tiny House Sub-committee E06.26 as we are interested in working with other like-minded national and international organizations that have similar, and mutual or related interests to see true affordable and attainable housing be developed, and see if we can stop the decades old, tired and expensive traditional home building process that has been under control by an "Empire" of builders and developers for far too long. It's time to stop them in their tracks. It's time for a fresh new approach to creating housing.

It's time to "Strike" Tiny House Rebels!

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Colorado Springs, CO

These opinions are my own and I do not represent ASTM.