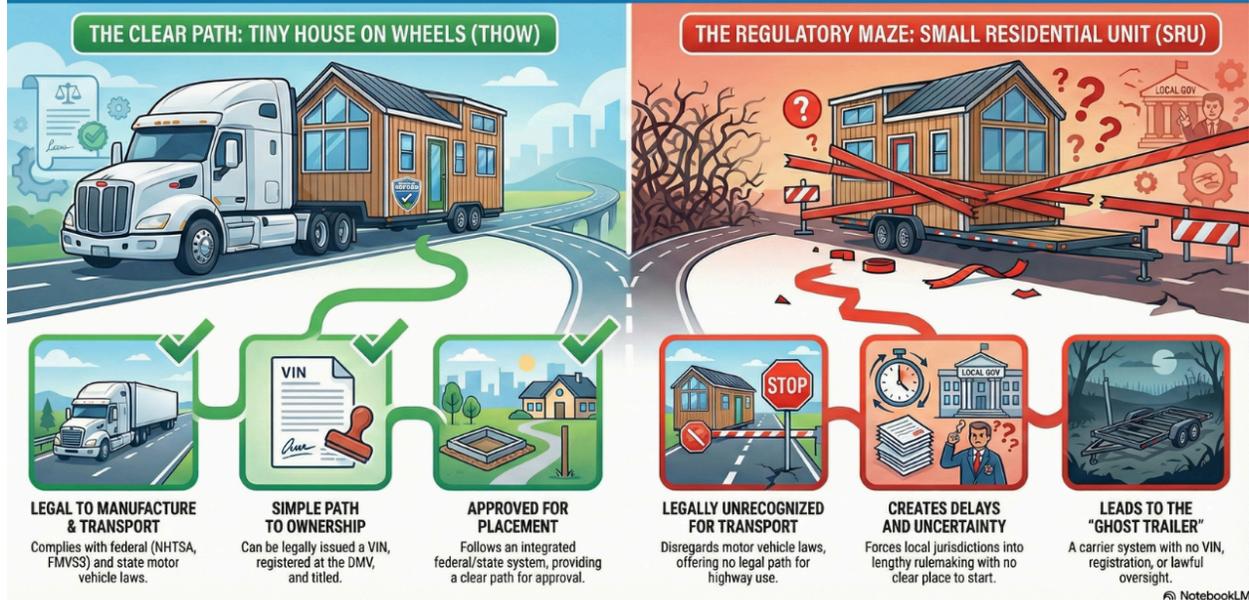


# Tiny House on Wheels vs. Small Residential Unit: The Legal Showdown



## Tiny House on Wheels Versus Small Residential Unit Detour

### Both With Integrated Chassis

This illustration shows the practical and legal outcomes that result from applying two different regulatory paths to a tiny house on wheels with an integrated chassis, versus a Small Residential Unit, and how each path affects lawful manufacture, transportation, property status, approval, and placement.

| Legal Placement Path (Federal / State Road)       | Tiny House on Wheels | Small Residential Unit |
|---|----------------------|------------------------|
| SAE registration for manufacturers to obtain WMID | YES                  | NO                     |
| NHTSA registration for manufacturers              | YES                  | NO                     |
| Legally issue VIN numbers                         | YES                  | NO                     |
| Compliance to FMVSS                               | YES                  | NO                     |
| Compliance to FMCSA                               | YES                  | NO                     |

|   |            |           |
|---|------------|-----------|
| <b>Manufacturer self-certification with required labels</b>             | <b>YES</b> | <b>NO</b> |
| <b>Legal to manufacture and sell</b>                                    | <b>YES</b> | <b>NO</b> |
| <b>Registration for manufacturers that build in two or more stages</b>  | <b>YES</b> | <b>NO</b> |
| <b>Legal path for compliance to use public highways</b>                 | <b>YES</b> | <b>NO</b> |
| <b>Legal path for personal property</b>                                 | <b>YES</b> | <b>NO</b> |
| <b>Legal path to convert to real property</b>                           | <b>YES</b> | <b>NO</b> |
| <b>Manufacturers legally issue MSO / MCO</b>                            | <b>YES</b> | <b>NO</b> |
| <b>Register at DMV</b>  | <b>YES</b> | <b>NO</b> |
| <b>Obtain title</b>   | <b>YES</b> | <b>NO</b> |
| <b>Obtain a mortgage tied to land after conversion to real property</b> | <b>YES</b> | <b>NO</b> |
| <b>Legal placement</b>  | <b>YES</b> | <b>NO</b> |
| <b>Clear path for manufacturers to avoid hefty fines</b>                | <b>YES</b> | <b>NO</b> |
| <b>Faith from consumer</b>  | <b>YES</b> | <b>NO</b> |
| <b>Clear path for AHJ approval</b>                                      | <b>YES</b> | <b>NO</b> |
| <b>Integrating federal and state laws</b>                               | <b>YES</b> | <b>NO</b> |
| <b>Respecting preemption</b>  | <b>YES</b> | <b>NO</b> |
| <b>Avoid tort liability</b>   | <b>YES</b> | <b>NO</b> |
| <b>No overlapping authority</b>   | <b>YES</b> | <b>NO</b> |
| <b>Interstate and intrastate reciprocity</b>                            | <b>YES</b> | <b>NO</b> |
| <b>Recognized in code applicable to a chassis-based dwelling</b>        | <b>YES</b> | <b>NO</b> |

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**Why the Small Residential Unit Creates Delay in State and Local Adoption**

In most states, adoption of standards, regulations, and enforceable categories occurs through formal administrative rulemaking under authority delegated by the legislature. Rulemaking is not automatic; it is a structured legal process that must be completed before a category can be recognized, enforced, or approved for use. This process typically includes a notice of intent, drafting of regulatory language, public comment, hearings and revision, and final adoption through filing and publication, all operating on established review cycles that routinely take months or years to complete. When a category does not align with existing federal frameworks, it cannot be absorbed into current state systems, requiring new rulemaking or legislation simply to establish authority. Until that occurs, approval remains uncertain, placement is delayed, and the legal basis for action is unresolved.

**For an authority having jurisdiction, there is no clear statute, no governing rule, and no lawful place to begin.**

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## **Summary — And Consequences Of The Small Residential Unit**

Diverting a tiny house on wheels with an integrated chassis into the Small Residential Unit path does not create clarity or safety—it creates a complex, fragmented, and delayed regulatory maze. Instead of relying on an existing, integrated federal and state compliance framework, the Small Residential Unit forces states and local jurisdictions to rebuild authority from the ground up through administrative rules or legislation, often limited to fixed adoption cycles. Because the Small Residential Unit disregards motor vehicle law and federal preemption, there is no clear, uniform, or immediate path to recognition, approval, reciprocity, or lawful placement. Authorities having jurisdiction are left without enforceable guidance, states are compelled to start from scratch, and legal placement is stalled or denied—not due to any failure in safety, but due to the absence of lawful recognition.

**The Small Residential Unit is arbitrary and unconstitutional.** It has no connection to structural integrity, life safety, fire safety, or the welfare of the inhabitants. It does not address a demonstrated public need or a regulatory deficiency. If examined in court, it would be deemed unsupported and unconstitutional because there is no rational basis for its creation. It exists solely by institutional choice. It is the product of the International Code Council's deliberate rebranding effort to elevate an unrecognized housing construct into a superior regulatory position that does not exist in code, while pushing tiny houses—a codified and recognized term in the International Residential Code—into a subordinate role.

***Under the guise of standardization, the International Code Council is erasing the proven success of Appendix AQ, Appendix BB, and prior code editions, and replacing them with a regulatory reset designed to exclude small, independent, and artisan builders. This reset creates a barrier to entry that favors large industry players operating within a closed-loop, pay-to-play certification regime administered through ICC NTA. The outcome is not improved safety or uniformity, but market control—stunting the progress***

***of tiny houses, suppressing innovation, and dismantling a lawful compliance pathway that already works.***

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## **Ghost Trailer**

At the end of this regulatory detour is the creation and normalization of what can only be described as a **ghost trailer**. Through ICC 1215, on behalf of ICC NTA and with the full complicity of the International Code Council, a so-called “*independent carrier system*” is being promoted that is never placed into the **NHTSA/DOT** system. This carrier is manufactured for the express purpose of transporting off-frame modular homes, yet operates without vehicle registration, without vehicle identification numbers, without road compliance, without taxation, and without lawful oversight—while falsely characterized as “incidental use” despite a manufacturing purpose that has existed for decades.

This ghost trailer is loosely based on the **HUD Code chassis**, but stripped of the full application of the HUD Code, including federal oversight, required road tests, stamped VIN or serial identification on the foremost crossmember of the chassis, and registration at the DMV. When the illegality of this construct was identified, ICC 1215 did not correct it, prohibit it, or provide compliance guidance. Instead, the ICC Board adopted a strategy of purposeful omission, relying on silence to avoid triggering the preemption review required of the Chief Executive Officer under International Code Council policy CP-49. The result is a regulatory blind spot by design: a transportation system that exists in practice, evades law in theory, and leaves manufacturers, consumers, regulators, and the public exposed to risk—without accountability, without transparency, and without jurisdiction.

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