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Regarding Conflicting Statements Regarding Tiny Houses And HUD, ICC 1215 Forward
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I am writing to formally request review and correction of multiple ICC publications that address the applicability of the HUD Manufactured Housing Construction and Safety Standards (HUD Code) to tiny houses on wheels and other chassis-based dwellings. When read together, these publications present conflicting statements that exceed ICC's authority and misstate federal law.

For clarity, I have set the relevant statements out below **under separate headings**, exactly as they appear in their respective sources.

ICC Statement — “Tiny House Model Legislation” (as written)

*“Tiny houses on wheels with a permanent chassis over 320 square feet **are subject** to the Manufactured Home Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development. Where these requirements apply, a manufacturer may opt-out if they then follow requirements equivalent to those contained in a model building code.”*

This statement acknowledges HUD jurisdiction, then asserts a manufacturer “opt-out” mechanism based on compliance with a model building code. **No such opt-out authority exists in statute or regulation. It is also a mandatory statement that ICC has no authority to mandate.**

ICC Statement — Forward to ICC/THIA 1215 (as written)

*“In the U.S., off-site constructed units with a permanent chassis and over 320 sq ft **may be subject** to requirements under the HUD code. If the Authority Having Jurisdiction adopts this standard as part of its building code, the tiny house may qualify for an exemption.”*

Authorities Having Jurisdiction cannot create exemptions from federal law. Adoption of a local or model building code does not alter HUD's statutory jurisdiction or federal preemption under the Manufactured Housing Construction and Safety Standards Act.

Federal applicability is not determined by local adoption of model codes; it is determined by Congress and administered exclusively by HUD. May describes it as discretionary.

These Statements Conflict With One Another.

The statement in *ICC Tiny House Model Legislation* uses mandatory language (“**are subject to**”), while the statement in the *ICC/THIA 1215 Forward* uses permissive language (“**may**”) suggesting discretion. Taken together, the publications are internally inconsistent in how they describe HUD Code applicability.

From ICC Publication: Tiny House Building It Right

It states ” Manufactured Homes (once called ”mobile homes”) are constructed in a factory in accordance with the U.S. Department Of Housing and Urban Development (HUD) Manufactured Housing Program. Home homes are over 320 square feet and over 8 feet wide.**The program currently does not define a tiny house.**

Finally a true statement, though it conflicts with the other ICC statements. It is an excellent publication written by Steve Van Note.

Federal Statute — Definition of “Manufactured Home” (42 U.S.C. § 5402(6))

“[manufactured home](#)” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the [manufacturer](#) voluntarily files a certification required by the [Secretary](#) and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle;

From The HUD Final Rule RV Exemption 2018

HUD Response: As stated above, HUD currently regulates as manufactured housing only those structures that are built on a permanent chassis and that “in traveling mode, [are] eight body feet or more in width or forty body feet or more in length or, when erected on site, [are] three hundred twenty or more square feet.” Accordingly, HUD lacks jurisdiction to regulate any tiny home that is less than eight body feet in width, 40 body feet in length, or 320 square feet, or any tiny home that is built on a foundation without a permanent chassis. While this statutorily precludes HUD from regulating many tiny homes, manufacturers can **voluntarily opt-in to regulation by HUD** (See [42 U.S.C. 5402\(6\)](#)).

This statute authorizes only a voluntary **submission into** HUD regulation for certain sub-threshold structures. It does not authorize a voluntary opt-out from HUD jurisdiction once the statutory definition is met.

HUD Regulation — Modular Home Exclusion (24 CFR § 3282.12)

HUD regulations establish a **limited exclusion** from the Manufactured Housing Construction and Safety Standards for certain **modular homes**, provided the manufacturer affirmatively certifies that specific conditions are met. Under this framework, HUD does **not regulate modular homes as housing**; instead, modular homes are constructed and regulated under **state or local building codes**.

The exclusion applies only where the manufacturer certifies that the structure:

- is designed **solely** for installation on a **site-built permanent foundation**;
- is **not designed to be moved** once installed;
- utilizes **removable running gear used only for transportation**, rather than an integrated permanent chassis; and
- is built in compliance with **approved building codes** administered by state or local authorities.

HUD’s role is limited to establishing the **conditions for exclusion** and retaining authority to **review certifications and enforce against false or inaccurate certifications**. Where the required certification is not made, or is found to be false or inaccurate, **HUD jurisdiction applies in full**.

This modular exclusion is expressly limited to non-chassis, permanently installed structures and does **not** apply to tiny houses on wheels or other dwellings that retain an integrated permanent chassis or are designed for continued mobility.

Authority Having Jurisdiction (AHJ) and Federal Preemption

Several ICC publications state or imply that *“if the Authority Having Jurisdiction adopts this standard as part of its building code, the tiny house may qualify for an exemption.”* This framing is inconsistent with federal law governing the HUD Manufactured Housing Construction and Safety Standards.

Authorities Having Jurisdiction derive their authority from **state and local law**. They do not possess authority to create, expand, or waive exemptions from **federal statutes or federal regulations**. Once a structure meets the statutory definition of a manufactured home under 42 U.S.C. § 5402(6), applicability of the HUD Code is determined **exclusively by Congress and administered solely by HUD**, not by local adoption of model codes.

Neither the National Manufactured Housing Construction and Safety Standards Act nor HUD’s implementing regulations delegate authority to state or local jurisdictions to exempt chassis-based dwellings from federal requirements through local code adoption. Federal preemption operates independently of local building code choices, and local adoption of a voluntary standard cannot alter federal jurisdiction.

Accordingly, statements suggesting that an AHJ may, through adoption of ICC standards, cause a structure to “qualify for an exemption” from the HUD Code misstate the limits of local authority and conflict with HUD’s exclusive role in determining applicability, exemptions, and exclusions under federal law.

HUD Statement — Exclusive Authority to Interpret the HUD Code

“As a reminder, no guidance interpreting HUD’s codes, regulations, or Interpretive Bulletins originating from any entity other than HUD can be relied upon as authoritative.

Additionally, compliance with a voluntary standard such as ANSI A119.5 cannot exempt manufacturers from Federal law, the HUD Code, HUD regulations, or HUD Interpretive Bulletins. Producing units in violation of HUD code, regulations, or interpretative bulletins, even while relying on non-HUD interpretations, does not mitigate or excuse any failure to comply”.

Statement in full context derived from HUD: Resources Below
RV Exemption Under Manufactured Housing Act. 2014 And 2015

[HUD Final Rule RV Exemption 2018](#)

[FR–5877–P–01 Manufactured Home Procedural and Enforcement Regulations; Revision of Exemption for Recreational Vehicles](#)

[RV Exemption Under Manufactured Housing Act : 2014](#)

[RV Exemption Under Manufactured Housing Act : 2015](#)

This statement would apply equally to ICC 1215, which is a voluntary standard. Neither ANSI standards nor ICC standards can create exemptions from federal law or alter HUD's statutory jurisdiction.

Conclusion

Taken together, the ICC statements cited above do not merely create ambiguity; they construct a new regulatory theory that does not exist in federal law. By blending elements of the **modular home exclusion** and the **recreational vehicle exemption**, ICC publications effectively assemble a hybrid framework under which manufacturers or local authorities are portrayed as having discretion to avoid HUD Code applicability for chassis-based dwellings.

Neither Congress nor HUD has authorized such a framework.

The modular exclusion is a narrow, certification-based pathway that applies only to non-chassis structures permanently installed on site-built foundations and regulated under state and local building codes. The RV exemption is a separate, purpose-specific exclusion tied to recreational design intent and compliance with distinct consensus standards. Each exists independently, with defined boundaries and conditions established by HUD pursuant to statute.

ICC has no authority to merge these exclusions, extend them to chassis-based dwellings designed for continued mobility, or recast them into a generalized “opt-out” or locally created exemption from the HUD Code. Creating a new regulatory pathway by implication—derived from selective elements of unrelated exemptions—exceeds ICC's role as a voluntary standards developer and intrudes into an area reserved exclusively to Congress and HUD.

For these reasons, ICC publications that suggest manufacturer election, local adoption of ICC standards, or equivalency to model codes can displace or override HUD Code applicability represent an overreach beyond ICC's authority and should be corrected to align with federal law and HUD's exclusive interpretive role.

ICC's misinterpretations are setting up manufacturers for noncompliance and possible fines, while excusing their own liability.

I am also attaching a document called **Findings Regarding ICC/THIA 1215 Foreword Statements**. It addresses the RV exemption that evolved to 400 square feet.

Thank you for the attention to this matter,

Janet Thome President
Tiny House Alliance USA