

John Belcik
ICC 1215 Committee
International Code Council
200 Massachusetts Ave NW
Washington, DC 20001
Regarding: HUD Preemption And [ICC Policy #49](#)
May, 8, 2026

Dear John Belcik,

I am writing to respectfully renew and narrow my prior inquiries regarding ICC publications addressing HUD Manufactured Housing applicability and federal preemption. My February and April 2026 letters were not answered, and I am requesting direct review of this matter by ICC leadership because the issue involves statements that appear inconsistent with federal law and HUD's exclusive interpretive authority.

This inquiry is limited solely to HUD preemption and ICC statements concerning structures that meet the federal definition of a manufactured home under 42 U.S.C. § 5402(6).

Several ICC publications currently present conflicting or misleading statements regarding when HUD jurisdiction applies and whether local adoption of ICC standards may affect that applicability.

For example, ICC's "Tiny House Model Legislation" states:

"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."

In contrast, the Forward to ICC/THIA 1215 states:

"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."

These statements raise several concerns.

First, the statutory definition of "manufactured home" found at 42 U.S.C. § 5402(6) is mandatory, not discretionary. Structures meeting the statutory definition are subject to the HUD Manufactured Housing Construction and Safety Standards unless they properly qualify under an existing federal exclusion established by HUD regulation.

Second, neither Congress nor HUD has created a general "opt-out" from HUD jurisdiction through adoption of model building codes or ICC standards.

Third, the ICC/THIA 1215 Forward suggests that local adoption by an Authority Having Jurisdiction may allow a structure to “qualify for an exemption.” However, local jurisdictions do not possess authority to create exemptions from federal statutes or federal regulations. HUD applicability and federal preemption are determined exclusively by federal law and administered solely by HUD.

HUD regulations already provide a specific and detailed exclusion process for certain modular structures under 24 CFR § 3282.12 (“Excluded structures—modular homes”). That regulation contains explicit certification requirements and conditions, including permanent foundation requirements, removal of running gear, and compliance with qualifying building codes.

Importantly, the exclusion already exists independent of ICC/THIA 1215. Local adoption of a voluntary ICC standard does not create, expand, or substitute for the federal exclusion process established by HUD.

HUD has also expressly stated:

“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.”

For these reasons, I respectfully request that ICC review and correct statements implying that:

1. Manufacturers may “opt out” of HUD jurisdiction through compliance with model building codes;
2. Local adoption of ICC standards may create or authorize an “exemption” from the HUD Code; or
3. Applicability of federal manufactured housing law is discretionary once the statutory definition is met.

At minimum, I respectfully request removal or correction of the language contained in the Forward to ICC/THIA 1215 regarding AHJ adoption and “qualification for an exemption,” as that language appears inconsistent with federal law, HUD regulations, and HUD’s exclusive interpretive authority.

This issue is significant because manufacturers may rely upon ICC publications when making compliance decisions involving federally regulated housing. Statements that inaccurately describe HUD applicability or federal preemption may expose manufacturers to noncompliance and enforcement consequences.

I am specifically requesting that the ICC Board strike the language in the Forward to ICC/THIA 1215 that discusses HUD applicability, the 320-square-foot threshold, and a claimed path to exemption through AHJ adoption of the standard. This issue is vital to the industry and does not belong in the Forward of a standard. Any statement interpreting HUD jurisdiction, HUD preemption, or federal manufactured housing applicability must be formally discussed,

processed through consensus, and reviewed through the ANSI standards process before being included in an ICC standard.

Thank you for your attention to this matter. I respectfully request a written response from ICC leadership addressing these concerns.

Sincerely,

Janet Thome President
Tiny House Alliance USA