ICC/THIA 1215 Invokes DOT While Denying Motor-Vehicle Status|
And Misappropriates The HUD Code With Select Provisions

No CFR intersection, no compliance path—ICC/THIA 1215 strands Tiny Houses on the side of the road again with the Small Residential Unit detour

This document compiles and analyzes the public comments, proposed technical provisions, definitions, certification language, and regulatory references associated with the development of ICC/THIA 1215. It documents how transportation-related design requirements were introduced, the sources from which those requirements were drawn, and the federal statutory and regulatory frameworks that already govern the same subject matter.

The record includes the role and submissions of ICCNTA, HUD-approved inspection and design-approval entity, the incorporation of transportation system concepts derived from the HUD Manufactured Home Construction and Safety Standards, and the simultaneous invocation of DOT-related authority while omitting corresponding federal motor-vehicle compliance requirements.

Together, these materials establish the regulatory context necessary to evaluate whether the standard aligns with, departs from, or renders inoperable existing federal housing and transportation law.

In the attached correspondence, both ICC-NTA and the International Code Council deny that manufactured homes are motor vehicles during fabrication and transport—when those homes are indisputably personal property and prior to permanent siting and conversion to real property. Their position directly contradicts the federal statutory definition of a manufactured home.

This position is particularly notable given that ICC-NTA operates as a **HUD-approved Inspection Primary Inspection Agency (IPIA) and Design Approval Primary Inspection Agency (DAPIA)**—entities entrusted not with redefining federal law, but with administering and enforcing it.

When a HUD-authorized compliance body adopts a position that diverges from the governing statutes it is charged with applying, the issue is no longer one of interpretation, ***but of institutional overreach.***

Rather than applying the federally codified definition of a chassis as set forth in Title 49, the International Code Council adopted the HUD code chassis definition for purposes of ICC/THIA 1215. That definition omits the chassis's established classification as the load-supporting frame of a commercial motor vehicle during transport.

This definitional departure is not contemplated in federal statute or regulation. Federal law already defines both *manufactured home* and *chassis*, and those definitions operate together by design. Private standards may supplement federal requirements, but they may not displace, narrow, or recharacterize federally defined terms in a manner that alters statutory applicability.

As a result, ICC/THIA 1215 does not merely interpret existing law; it reframes a federally regulated component through a private definitional construct, with the practical effect of removing the chassis from the federal motor vehicle framework during transport.

Title 49 of the Code of Federal Regulations establishes a nationally uniform system for transportation safety, including motor vehicle design, chassis integrity, and operational requirements, administered by the U.S. Department of Transportation through NHTSA, FMCSA, and PHMSA.

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. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13 and complies with the standards set forth in 24 CFR part 3280.*

Chassis *is defined as The load-supporting frame of a* ***commercial motor vehicle****, exclusive of any appurtenances which might be added to accommodate cargo.*

49 CFR § 393.5 - Definitions.

Title 49 of the Code of Federal Regulations establishes a nationally uniform system for transportation safety, including motor vehicle design, chassis integrity, and operational requirements, administered by the U.S. Department of Transportation through NHTSA, FMCSA, and PHMSA. HUD's statutory definition of a manufactured home expressly relies on transportation concepts—describing a structure in "traveling mode" and requiring construction on a permanent chassis—while federal transportation law defines a chassis as the load-supporting frame of a commercial motor vehicle under 49 CFR § 393.5. Motor vehicle safety standards, including the Federal Motor Vehicle Safety Standards (FMVSS), exist to ensure nationwide uniformity for chassis-based structures transported on public roads. Together, these frameworks reflect Congress's intent that transportable, chassis-based dwellings be governed by federal transportation law for movement and safety, alongside HUD's housing standards for the dwelling itself, rather than through fragmented state or privately constructed regulatory substitutes.

IS-OSMTH 07-04-25

ICC 1215 New Sections 702.2, 702.2.1, 702.3, 702.4, 702.4.1, 702.5, 702.6

Proponent: David Tompos, Sr., NTA, Inc.

Revise as follows:

702.2 Axles. Axles and their connecting hardware must be capable of supporting the static running gear design loads, without exceeding maximum allowable design axles loads as recommended by the axle manufacturer.

702.2.1 Recycled axles. Before reuse, all axles, including component parts, must be reconditioned as required pursuant to a program accepted and labeled by a nationally recognized testing agency.

702.3 Spring assemblies. Spring assemblies(springs, hangers, shackles,and mounting bolts) must be capable of supporting the running gear design loads, without exceeding maximum allowable stresses for design life as recommended by the spring assembly manufacturer.

702.4 Tires. Tires must be selected, sized, and fitted to the rims and axles so the static dead load supported by the running gear does not exceed the load capacity of the tires. Tire must not be loaded beyond the load rating marked on the sidewall of the tire.

702.4.1 Inflation pressure. The load and cold inflation pressure imposed on the rim or wheel must not exceed the rim and wheel manufacturer's instructions even if the tire has been approved for a higher load or inflation.

702.5 Coupling mechanism. The coupler mechanism shall have a certified load rating capable of carrying the actual imposed design loads, when installed in accordance with the manufacturer's instructions. As part of the coupler mechanism there shall be an approved breakaway system.

702.6 Location. Location of the running gear assembly must be determined by documented engineering analysis, taking into account the gross weight (including contents), total length of the unit, and the necessary coupling hitch weight. Weight shall be checked with the home in the level position.

Reason: If the home is to be considered to be transported the specific components must be inspected and verified by the manufacturer or builder to ensure a safe transport to the site. Just adding a VIN number or a certified frame does not provide assurance that the home installed on a chassis will be in compliance with DOT requirements.

I have included an attachment of the public comments with my email for supportive documentation that includes the above comment.

Source and Role of Commenter

David R. Tompos
Founder, Vice President, and Director of Sales, ICC-NTA, Inc.
HUD-approved Design Approval Primary Inspection Agency (DAPIA) and Inspection Primary

Inspection Agency (IPIA)
Voting Member of the ICC/THIA 1215 Committee

Mr. Tompos submitted public comments and proposed technical revisions during the ICC/THIA 1215 development process while serving in a senior executive capacity at a HUD-approved inspection and design-approval agency with longstanding involvement in the HUD Manufactured Home Construction and Safety Standards program.

Scope of Technical Subjects Addressed in the Public Comments

The submitted comments and proposed revisions focus on transportation-related design and safety elements, including:

Axles and axle load capacity
Recycled axle acceptance and labeling
Spring assemblies and suspension systems
Tires, rims, inflation pressure, and load ratings
Running-gear design and location
Coupling mechanisms and breakaway systems
Braking performance and stopping distance
Shock, vibration, and highway transport conditions

These subjects directly correspond to regulated transportation-system components traditionally governed under federal housing and transportation safety frameworks.

Observed Regulatory Framing Within the Public Comments

Within the public comments and proposed revisions:

HUD-derived transportation concepts (**chassis**, **running gear**, **axles**, **braking systems**) are relied upon to justify technical requirements.
Engineering assumptions consistent with highway transport and trailer-based movement are incorporated.
Transportation-safety principles reflected in **FMCSA** and **FMVSS** regulations are functionally mirrored.
Motor-vehicle classification and the applicability of federal motor-vehicle statutes and regulations are not affirmatively acknowledged or addressed.

The comments therefore reflect selective reliance on federally developed transportation concepts while omitting discussion of the broader federal transportation frameworks that historically govern chassis-based systems used on public highways.

HUD Manufactured Housing Transportation Requirements Reflected in ICC/THIA 1215

The transportation-related subjects addressed in ICC/THIA 1215 correspond to mandatory requirements codified at **24 CFR § 3280.904**, *Specific requirements for designing the transportation system*, which governs the design and construction of manufactured-home transportation systems during highway transport.

Axles and axle load capacity — **24 CFR § 3280.904(b)(6)**
Recycled axle acceptance and labeling — **24 CFR § 3280.904(b)(6)(i)**
Spring assemblies and suspension systems — **24 CFR § 3280.904(b)(5)**
Tires, rims, inflation pressure, and load ratings — **24 CFR § 3280.904(b)(8)**
Running-gear design and location — **24 CFR § 3280.904(b)(4)(ii)**
Coupling mechanisms and drawbar systems — **24 CFR § 3280.904(b)(1)–(2)**
Braking performance and stopping distance — **24 CFR § 3280.904(b)(9)**
Shock, vibration, and highway transport conditions — **24 CFR § 3280.904(b)(4)(i)**

HUD Code Origin of the Chassis Definition Used in ICC/THIA 1215

The **chassis definition** relied upon in ICC/THIA 1215 is **partially derived from the HUD Manufactured Home Construction and Safety Standards**. **24 CFR § 3280.902 - Definitions.**

ICC/THIA 1215 Chassis Definition

CHASSIS. The entire transportation system comprising of the drawbar and coupling mechanism, running gear assembly (wheels, tires, axles, brakes and suspension) and may include running and lights and/or an integral frame.

This definition is taken from the HUD code.

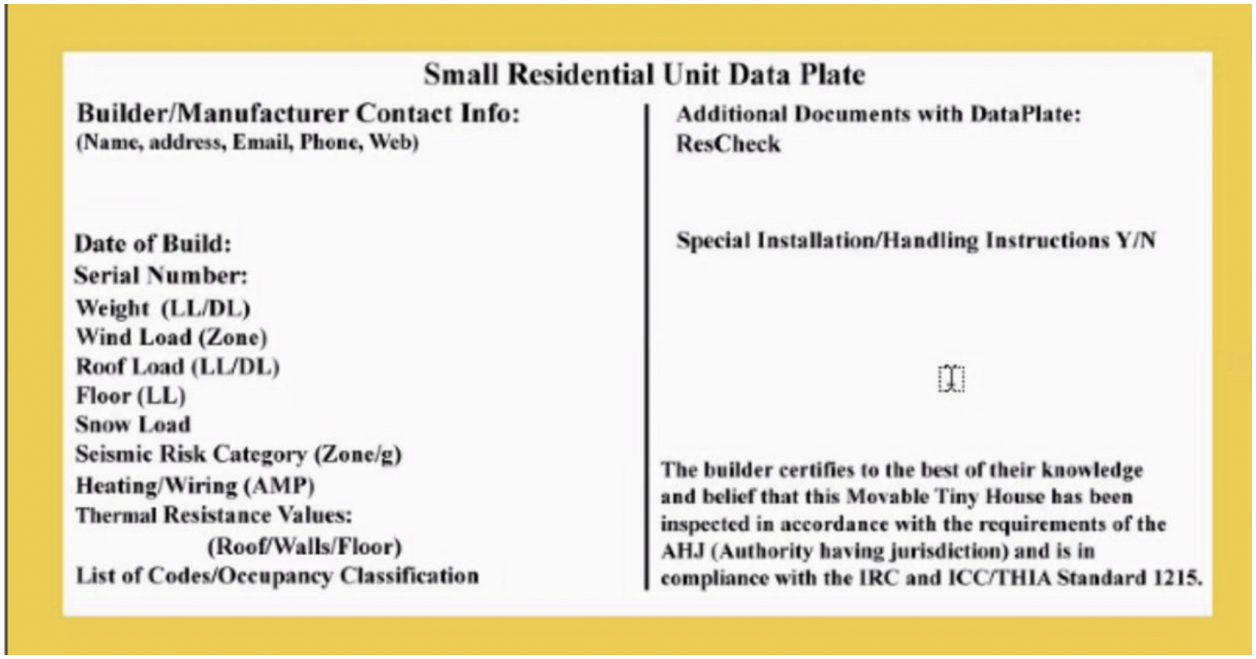
HUD treats the transportation system as an integrated unit consisting of the drawbar, coupling mechanism, running gear, axles, suspension, brakes, wheels, and related components designed to withstand highway transport loads and conditions, as reflected throughout **24 CFR § 3280.904**.

Data Plate and Certification Statement Inconsistency

The ICC/THIA 1215 "Small Residential Unit" data plate borrows certification language closely resembling the HUD Manufactured Home certification statement, yet:

It does not reference HUD Code applicability or HUD oversight.
It does not include the federally required **FMVSS certification statement**.
It does not include a **Vehicle Identification Number (VIN)** or VIN data plate as required under **49 U.S.C. Chapter 301** and **49 CFR Part 565**.

By replicating HUD-style certification language while omitting federally required motor-vehicle certification and identification elements, the data plate creates ambiguity regarding regulatory authority, inspection responsibility, and legal accountability.



Small Residential Unit Data Plate

Builder/Manufacturer Contact Info:
(Name, address, Email, Phone, Web)

Additional Documents with DataPlate:
ResCheck

Date of Build:
Serial Number:
Weight (LL/DL)
Wind Load (Zone)
Roof Load (LL/DL)
Floor (LL)
Snow Load
Seismic Risk Category (Zone/g)
Heating/Wiring (AMP)
Thermal Resistance Values:
(Roof/Walls/Floor)
List of Codes/Occupancy Classification

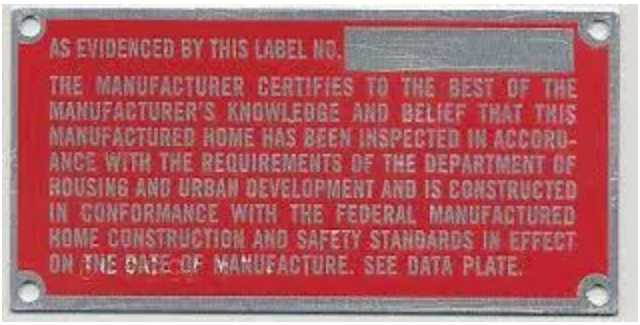
Special Installation/Handling Instructions Y/N

The builder certifies to the best of their knowledge and belief that this Movable Tiny House has been inspected in accordance with the requirements of the AHJ (Authority having jurisdiction) and is in compliance with the IRC and ICC/THIA Standard 1215.

Questions Regarding the ICC/THIA 1215 Data Plate and Certification Statement

Who Inspects the Movable Tiny House?

The data plate states that the builder certifies the Movable Tiny House has been inspected. No federal inspection agency is identified. The data plate does not specify HUD, a state modular program, **NHTSA**, **FMCSA**, or any other authorized inspection authority. The statement was partially taken from the HUD code label.



The HUD Code Label States:

"The manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of Department of Housing and Urban Development and is constructed in conformance with the federal manufactured home construction and safety standards in effect on the date of manufacture. See data plate."

How Can a Movable Tiny House Comply With the IRC?

The data plate states that the Movable Tiny House complies with the **International Residential Code (IRC)**. Movable Tiny Houses are not defined or recognized as a dwelling type in the IRC. The IRC regulates buildings, not movable, chassis-based units designed for transport on public highways.

How Can an AHJ Inspect Under ICC/THIA 1215 Alone?

The data plate states that the unit was inspected in accordance with the requirements of an **Authority Having Jurisdiction (AHJ)**. Authorities Having Jurisdiction enforce adopted building codes; they do not enforce federal motor-vehicle law.

NHTSA Requirement Certification Label For Chassis

EXAMPLE
CERTIFICATION LABEL

MANUFACTURED BY: XXXXXX TRAILERS, INC. IN U.S.A.

DATE: XX/XX/XX

GVWR	5761 KG (12,700 LB)				
GAWR FRONT	2304 KG (5,080 LB)		GAWR REAR	2304 KG (5,080 LB)	
TIRES	ST225/75R15(D)	TIRES		ST225/75R15(D)	
RIMS	15X6J		RIMS	15X6J	
COLD INF. PRESSURE	447 KPA (65 PSI) SINGLE		COLD INF. PRESSURE	447 KPA (65 PSI) SINGLE	

THIS VEHICLE CONFORMS TO ALL APPLICABLE US FEDERAL MOTOR VEHICLE-SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

Vehicle identification No. : xxxxxxxxxxxxxxxxx
Vehicle Type: Trailer

THIS VEHICLE CONFORMS TO ALL FEDERAL MOTOR VEHICLE-SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

Above is an example of a self certification label that goes on a trailer chassis required by NHTSA that is placed on the chassis by the manufacturer which also includes the VIN number which the committee is denying the need for. The statement is also required by federal law.

Partial List Of Existing Federal Motor-Vehicle Statutes and Regulations Governing the Same Subject Matter

49 U.S.C. § 30102(a)(7)

Motor vehicle
A vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways.

Federal Motor Vehicle Safety Standards (FMVSS)

49 CFR Part 571 — Federal Motor Vehicle Safety Standards

§ 571.3 Definitions

49 CFR § 393.5 - Definitions

Chassis. The load-supporting frame of a commercial motor vehicle, exclusive of any appurtenances which might be added to accommodate cargo.

§ 571.3 Definitions

Trailer
A motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle.

Semitrailer
A trailer, except a pole trailer, so constructed that a substantial part of its weight rests upon or is carried by another motor vehicle.

Full trailer
A trailer, except a pole trailer, that is equipped with two or more axles that support the entire weight of the trailer.

Gross Axle Weight Rating (GAWR)
The value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

Gross Combination Weight Rating (GCWR)
The value specified by the manufacturer as the loaded weight of a combination vehicle.

Gross Vehicle Weight Rating (GVWR)
The value specified by the manufacturer as the loaded weight of a single vehicle.

Federal Motor Carrier Safety Regulations (FMCSRs)

49 CFR § 393.201
Frames and chassis integrity.

49 CFR § 393.205
Wheels and rims.

49 CFR § 393.207
Suspension systems.

49 CFR § 393.43
Breakaway and emergency braking requirements.

49 CFR § 393.70

Coupling devices and towing methods, except for driveaway-towaway operations.

49 CFR § 393.52
Braking performance and stopping distances.

Vehicle Identification Requirements

49 CFR Part 565 — Vehicle Identification Number (VIN) Requirements

§ 565.23 General Requirements

Each vehicle manufactured in one stage shall have a VIN assigned by the manufacturer.
Each VIN shall consist of seventeen (17) characters.
A check digit shall appear in position nine (9).
The VIN shall be permanently affixed to the vehicle.

Vehicle Identification Number (VIN)
A series of Arabic numbers and Roman letters assigned to a motor vehicle for identification purposes.

Relevance of ICC-NTA's HUD-Approved Status

As a HUD-approved DAPIA and IPIA, ICC-NTA possesses institutional knowledge of the statutory scope of the HUD Manufactured Home Construction and Safety Standards, the integrated nature of housing and transportation regulation for chassis-based manufactured homes, and the historical coordination between HUD housing standards and federal transportation safety requirements.

Core Issue Presented for Agency Review

This document identifies a regulatory gap created when a private standard selectively incorporates HUD manufactured-housing transportation requirements codified at **24 CFR § 3280.904**, relies on HUD-derived certification language, and mirrors federal transportation-safety principles, while omitting the federal motor-vehicle legal framework governing chassis-based units used on public highways.

Federal motor-vehicle safety standards promulgated by the National Highway Traffic Safety Administration operate under an express and implied preemption framework set forth in **49 U.S.C. § 30103**. The U.S. Supreme Court has recognized that state or non-federal requirements may be preempted where they stand as an obstacle to the accomplishment and execution of a

federal motor-vehicle safety standard or render such standards inoperable, as articulated in *Geier v. American Honda Motor Co.*, 529 U.S. 861 (2000).

By denying motor-vehicle classification while incorporating transportation-system requirements derived from HUD and mirroring FMVSS-regulated performance criteria, ICC/THIA 1215 establishes a regulatory construct in which federal motor-vehicle safety standards cannot be applied, enforced, or certified as intended. In this context, those standards are not merely displaced; they are rendered inoperable.

At the same time, HUD's manufactured-housing framework depends on the integrated application of federal construction, certification, inspection, and transportation requirements under **24 CFR Part 3280**. The selective extraction of HUD transportation provisions without HUD Code applicability, certification labels, or oversight likewise interferes with the operability of HUD's statutory scheme.

As applied, ICC/THIA 1215 creates a private regulatory pathway that places regulated units outside the effective operation of both federal frameworks, raising a condition of conflict preemption and regulatory inconsistency that warrants clarification by the responsible federal

agencies.

Thank you for considering my views,

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Author's Statement and Disclaimer

I was a **proponent who spearheaded the tiny-house effort within ASTM**, working collaboratively to establish the **E06.26 Tiny Houses Subcommittee** under the Committee on Performance of Buildings. I currently serve as **Membership Secretary** for the subcommittee.

Disclaimer: *I do not represent ASTM International, and the views, findings, and conclusions expressed in this document are my own, based on my own experience, experience, public information and independent research. This submission is made in my individual capacity as President of Tiny House Alliance USA, in support of transparency, lawful compliance, and open participation in standards development.*