

The ICC/NIBS/MOD X/HUD Connection: How Off-Site Construction Standards Are Closing Out Consumer Choice

Opening

I would like to begin by thanking the Administration for its continued commitment to restoring consumer choice in housing and for taking a hard look at regulatory barriers that have driven up costs for American families. This is submitted in that same spirit — to bring forward additional facts and concerns that I believe are relevant to the Administration's broader deregulatory and affordability goals.

Central Concern

This administration is bringing back consumer choice, which is being erased by ICC.

There needs to be an investigation into the relationship between the International Code Council (ICC) and the various organizations that have rebranded factory-built housing as “off-site construction,” creating what is described as another locked pay-to-play system tied to ICC.

1. The ICC–NIBS Connection

ICC is tied to Congress through the National Institute of Building Sciences (NIBS).

About NIBS

We were created by act of Congress in 1974 to be the nation's authoritative source of findings and recommendations that impact and improve the built environment for the American people. At the National Institute of Building Sciences (NIBS), we connect research, policy, and practical application to advance innovation in the built environment. Our mission is to create a safer, more resilient, and technologically advanced infrastructure that serves American communities and strengthens our nation's future.

Documented Link

July 27, 2018 — The ICC Board of Directors, at a duly held meeting, unanimously approved a proposed standards project in cooperation with NIBS and the Modular Building Institute (MBI) to explore and develop a portfolio of standards and guidance tools supporting the off-site construction industry.

Source: ICC Off-Site Construction Standards:

<https://www.iccsafe.org/advocacy/safety-toolkits/offsite-construction/>

Note: A search reveals multiple off-site construction organizations tied to the two modular trade associations (ICC, MBI), often sharing the same executives.

2. NIBS + HUD + MOD X

Press Release (April 9, 2026)

Headline: HUD-Supported Breakthrough Regional Pilots Summit Charts a Scalable Path Forward for Offsite Construction and Housing Supply

Date/Location: April 7, 2026, NIBS offices, Washington, DC

Convened by: NIBS and its strategic partner, MOD X

Attendees: Six state/regional groups pioneering offsite-construction housing programs, plus federal and industry leaders

Purpose: Share lessons/strategies to advance offsite construction as a means of increasing housing supply nationwide

About MOD X

MOD X is described as a research-based advisory group and international knowledge exchange network integrating academic, industry, government, and related non-profit sectors (“quadruple helix”) in the prefabricated and volumetric modular offsite construction industry.

Website: <https://www.modx.network/about>

Note: Researching the site reportedly shows links among ICC, modular trade groups, and NIBS.

3. HUD Research Roadmap — Author's Ties

Document: Offsite Construction for Housing: Research Roadmap

Prepared for: U.S. Department of Housing and Urban Development, Office of Policy Development and Research

Author: Professor Ryan E. Smith — Founding Partner, MOD X; Director, School of Design and Construction, Washington State University

Source:

<https://www.huduser.gov/portal//portal/sites/default/files/pdf/Offsite-Construction-for-Housing-ResearchRoadmap.pdf>

Ryan Smith's Affiliations

- Founding past chair and current board member, NIBS Offsite Construction Council
- Fellow, Modular Building Institute
- Senior Research Fellow, Centre for Offsite Construction + Innovative Structures, Edinburgh Napier University (UK)

Source: <https://www.modx.network/team>

Note: This report is flagged as another tie to ICC.

4. Alarming Passage — “Key Takeaway 7”

Key Takeaway 7: Learn Globally, Act Locally — This report identifies the need for lessons from abroad in nearly every topical area. There is a need for comparative research projects about international offsite construction programs that bring together industry, academia, and government to improve housing for everyone.

The list of research needs for offsite construction in this report is intended for the offsite construction industry broadly. There are some projects, however, for which HUD is uniquely situated to address within

its interests and capacity. The text below outlines research recommendations specifically for HUD to enact as projects, partnerships, and initiatives.

Specific HUD Recommendations Cited

- HUD Code — Investigate the relative merits of the HUD Code versus ICC codes for potential regulation of manufactured housing.
- New Products — Research obstacles in the current ICC-Evaluation Service (ES) process to develop mechanisms fostering new product development in offsite construction for housing.

Related concern: There are already concerns that a manufactured home is becoming more like an IRC home.

5. Summary Concern

The combined effort between HUD, ICC, MOD X, and NIBS is characterized as promoting favoritism toward ICC and its family of services — including certification, accreditation, and ICC-Evaluation Services — reinforcing what is termed the “ICC Closed System.”

Source List

#	Source	Link
1	ICC Off-Site Construction Standards	iccsafe.org
2	MOD X — About	modx.network/about
3	HUD Research Roadmap (PDF)	huduser.gov
4	MOD X — Team	modx.network/team
5	NIBS Press Release April 9, 2026 (PRNewswire)	
6	Janet Thome — Tiny House Alliance USA (MHProNews)	manufacturedhomepronews.com

6. Resources — Articles Supporting Concern That HUD Code Homes Are Converging With IRC Homes

#	Source	Key Point	Link
1	ICC — “HUD Makes Major Updates to Expand Affordable Housing Options” (Oct 2024)	Confirms HUD's September 11, 2024 update — the most extensive HUD Code revision in 30+ years — directly incorporated provisions from ICC's International Residential Code (IRC) as a benchmark for consistency between manufactured and site/off-site built homes. Also notes ICC-NTA's longstanding role as a HUD-approved DAPIA/IPIA inspection agency for manufactured housing — a role NTA held before ICC acquired it in 2019, not a new arrangement.	iccsafe.org

#	Source	Key Point	Link
2	Home Nation — “Manufactured vs Modular Building Codes”	States plainly that “today’s version of the HUD code is almost exactly like the IRC in many areas,” citing matching fire-safety/electrical standards, and says manufactured homes are “almost indistinguishable” from modular/site-built homes.	homenation.com
3	Modular Home Source Pro — “Federal Gov’t About to Blur the Line Between Manufactured and Modular” (Feb 2026)	Reports on a federal proposal to remove the steel chassis mandate for manufactured homes, which the article says would erase the last clear structural distinction between HUD Code and IRC-based modular homes.	modularhomesourcepro.com
4	modularhome.org (Modular Home Builders Association) — “Manufactured vs. Modular Homes: How Regulatory Changes Are Blurring the Lines” (June 2025)	Industry-association piece explicitly framed around regulatory changes narrowing the gap between manufactured (HUD) and modular (IRC) construction standards.	modularhome.org
5	Rocky Mountain Modular Homes — “Manufactured Vs Modular Building Codes”	States the HUD code “is similar to the [IRC]” and that it “contains all safety standards in the [NEC] as the IRC.”	rockymountainmodularhomes.com
6	Clayton Homes — “How are Modular Home Codes Different from Manufactured?”	Cites a Manufactured Housing Institute report concluding that “overall the HUD Code and IRC are generally comparable.”	claytonhomes.com
7	HUD USER (PD&R) — “250 Years of Residential Building Codes in the United States, Part 2”	HUD’s own historical account of the HUD Code and IRC’s parallel development and national coordination — useful primary-source background on how the two systems have converged administratively.	huduser.gov

Note: Source #1 (ICC’s own publication) is the most direct documentary support for the concern raised in this memo — it is ICC confirming, in its own words, that HUD adopted IRC provisions into the HUD Code, and that ICC-affiliated entities (ICC-NTA) serve as HUD-approved inspection/certification agencies for manufactured housing — a longstanding role, not a new arrangement, but one now housed under the ICC umbrella.

7. MHARR / Mark Weiss / MHProNews — Industry Advocacy Sources

These sources come from the Manufactured Housing Association for Regulatory Reform (MHARR), its President/CEO Mark Weiss, and the trade outlet MHProNews (manufacturedhomepronews.com). MHARR represents independent HUD Code manufacturers and has been the most vocal industry voice

specifically warning against the erosion of the distinct federal HUD Code system in favor of IRC-based “off-site”/modular frameworks.

#	Source	Key Point	Link
1	MHARR — White Paper Analysis of the Senate “ROAD to Housing Act of 2025” (Aug 14, 2025)	MHARR objects to legislative language that conflates HUD Code manufactured homes with IRC-based modular homes, arguing they are fundamentally distinct systems and that blurring the categories undermines the affordability advantage that comes from uniform federal HUD Code standards and preemption.	manufacturedhousingassociationregulatoryreform.org
2	MHARR — White Paper on Pending “Chassis” Legislation (Oct 2023)	Explicitly warns that removing the permanent chassis requirement — long the clearest structural line between HUD Code and IRC-built homes — creates risk that self-interested “off-site construction” players could “reinvent manufactured housing in their own proprietary image,” effectively merging it into the IRC-regulated system.	manufacturedhomelivingnews.com
3	MHARR — Proposals to Congress on the Housing Supply Frameworks Act (HSFA)	Calls for the bill to clearly separate references to federally-regulated HUD Code manufactured homes from “modular” or other IRC-built homes, warning that conflating the two categories under vague terms like “attainable housing” threatens HUD Code homes' distinct federal-preemption protections.	manufacturedhousingassociationregulatoryreform.org
4	Mark Weiss (MHARR) — HousingWire Op-Ed, reprinted/reported via MHProNews (July 7–8, 2026)	Weiss warns that “manufactured housing should not become another niche housing product,” arguing its core value is affordability that comes specifically from the distinct HUD Code system — a value proposition he says is threatened when the category is blended with higher-cost, IRC-regulated construction.	manufacturedhomepronews.com
5	MHProNews / MHARR — Analysis of MHI's “ROAD to Housing Act” Support (2026)	Reports MHARR's critique that industry group MHI is prioritizing the optional/removable chassis provision (a step toward IRC-style construction) while leaving core HUD Code protections like federal preemption and zoning exclusion remedies unaddressed.	manufacturedhomepronews.com

Note: Unlike the ICC and general industry sources above (which frame HUD/IRC convergence as a technical or administrative development), the MHARR/Weiss sources frame it as a policy fight — arguing

that blurring the HUD Code/IRC line specifically benefits IRC-aligned competitors and organizations (which is directly relevant to the ICC/NIBS concern raised in Sections 1–5 of this memo).

8. Primary Source — Janet Thome / Tiny House Alliance USA (MHPProNews)

Title: “Janet Thome-Tiny House Alliance USA Asserts ICC 1215 Small Residential Units Threaten HUD Code Manufactured Homes and Tiny Home Artisans Among Others by Big Corp Interests-Exclusive plus FEA”

Publisher: MHPProNews (manufacturedhomepronews.com)

Author: Janet Thome, Founder/President, Tiny House Alliance USA (guest commentary)

Published: December 15, 2025

Link:

<https://www.manufacturedhomepronews.com/janet-thome-tiny-house-alliance-usa-asserts-icc-1215-small-residential-units-threaten-hud-code-manufactured-homes-and-tiny-home-artisans-among-others-by-big-corp-interestsexclusive-plus-fea/>

Why This Article Is Directly Relevant

This op-ed makes the same core argument as this memo — that ICC uses standards development to consolidate control across manufactured housing, modular/off-site construction, and now tiny houses — but from a different angle (the ICC/THIA 1215 “Small Residential Unit” standard) and with additional documented specifics.

Key Points From the Article

- The SRU “hijack”: ICC/THIA Standard 1215 was originally meant to add chassis provisions for tiny houses (400 sq. ft. or less). Thome asserts it was redirected to center on a newly invented “Small Residential Unit” (SRU) category — dwellings up to 1,200 sq. ft. — which she says overlaps directly with the mainstream manufactured and small-modular home market.
- Personnel tie to ICC/NTA: Thome names David Tompos Sr., a paid ICC staff member and VP of Sales for ICC-NTA (a for-profit ICC subsidiary that also does HUD-related plan review/inspection), as a voting committee member with outsized influence over the standard's direction. His son, David A. Tompos, is EVP of ICC's Conformity Assessment Group (which includes ICC-NTA, ICC-ES, and IAS).
- “Closed loop system” claim: Thome describes ICC as sitting at the center of a self-reinforcing structure — ICC develops standards, ICC-affiliated subsidiaries (ICC-NTA, ICC-ES, IAS) certify/inspect against those standards, and ICC-affiliated individuals sit on the boards of co-branding partners (THIA, MBI) and on NIBS — the same NIBS/ICC/MBI network flagged in Sections 1–2 of this memo.
- Federal preemption risk: The article argues that if states/localities adopt the ICC 1215 SRU standard for small factory-built homes, it could be used to argue that HUD's Enhanced Preemption under the Manufactured Housing Improvement Act of 2000 is no longer exclusive — weakening the legal shield that keeps HUD Code homes preemptive over state/local (IRC-based) codes.

- Regulatory-avoidance allegation: Separately, Thome alleges ICC 1215 omits federal motor-vehicle requirements (VIN, NHTSA, FMVSS) for chassis-based units, which she frames as an attempt to regulate a road-legal trailer as a “building” to sidestep federal transportation law.
- Antitrust framing: The article explicitly invokes a “hub-and-spoke” antitrust theory, alleging ICC's standards-development role and its commercial subsidiaries' compliance/certification role are improperly intertwined, and cites potential Sherman Act/Clayton Act/FTC Act concerns. Confirms MHARR/MHI have not weighed in publicly on the SRU-specific chassis/NHTSA conflict, which the article treats as a gap in the industry's mainstream advocacy response.

Relationship to this memo: This article can serve as a companion piece/exhibit — it corroborates the “ICC Closed System” concern in Section 5 with specific personnel, subsidiary, and standards-development detail, and extends it into the tiny-house/SRU category as a new front in the same pattern.

Janet Thome

President, Tiny House Alliance USA