

The Encirclement – ICC's Coordinated Campaign to Dominate Evaluation, Certification, and Offsite Construction Standards

Summary: This comment warns that HUD-funded initiatives, including the 2024-2025 Action Plan report prepared with NIBS and MOD X, combined with the NYIT/CfOC co-branded CfOC/ICC 1220-202x standard, form part of a converging effort that risks consolidating regulatory control under the ICC umbrella. This threatens independent evaluation service providers, manufactured housing distinctions, consumer choice, and market competition.

Full Comment:

The manufactured housing sector and independent evaluation service providers face a coordinated multi-front advance. What appears as separate technical and policy developments is a converging campaign whose central objective is to place offsite construction standards, certification, and related services under dominant ICC influence.

The newest element is the co-branding by the Center for Offsite Construction (CfOC) at the New York Institute of Technology (NYIT) with the International Code Council (ICC) on CfOC/ICC 1220-202x, Standard on Configurations and Connections for Off-Site Construction. This standard addresses module-to-module and building-to-module interfaces and dimensional standardization. While framed as collaborative and ANSI-compliant, the co-branding leverages ICC's existing code infrastructure and services.

This development aligns with recommendations in the HUD-funded report "HUD's Past, Present, and Future Role in Accelerating U.S. Offsite Construction for Housing: A Comparative Study and Action Plan." Prepared with NIBS project management and MOD X authorship, the report advocates immediate standard award criteria, intermediate housing system certification (suggesting NIBS partnership), and long-term performance-based codes.

Documented interconnections include:

- 2018 ICC Board approval of offsite standards collaboration with NIBS and MBI.
- ICC CEO Dominic Sims joining the NIBS Board in 2019.
- Shared personnel and leadership across ICC, NIBS, MOD X, and related entities (e.g., Cindy Davis, Ryan Colker).
- NIBS's statutory sole-source contracting advantages with federal agencies.

These links create a closed ecosystem where federal research and policy recommendations route through interconnected parties. HUD-funded research items focus on improving ICC-ES processes rather than fostering competition with accredited alternatives such as IAPMO Uniform Evaluation Service, Intertek CCRR, PFS-TECO, RADCO, Qualtim, and others.

For the manufactured housing sector, this convergence blurs distinctions between HUD-Code homes and IRC/IBC modular construction. Chassis erosion, alternative approvals, and interface

standardization risk eliminating the practical and legal basis for a separate federal framework, placing all housing under the ICC umbrella.

This pattern threatens all independent providers of evaluation reports, listing services, and certification. Federal sanction of certification programs developed through this interlock would favor one network over existing accredited competitors, narrowing consumer choice and stifling innovation from smaller players.

The HUD report itself warns against federal actions that distort the private market. The documented interlock risks exactly that outcome through coordinated standards development and certification pathways.

Recommendations:

- Require full disclosure of conflicts and overlaps in HUD/NIBS/MOD X initiatives.
- Ensure any federally supported certification program explicitly includes and funds competition from all accredited providers (IAPMO, Intertek, PFS-TECO, RADCO, Qualtim, etc.).
- Maintain clear distinctions between HUD-Code manufactured housing and other construction methods.
- Conduct competitive processes rather than relying on sole-source pathways.
- Evaluate potential antitrust and competition issues raised by the documented interconnections.

Independent evaluation providers and manufactured housing stakeholders must defend competitive pathways to preserve consumer choice and market diversity.