

A Focus On Their Main Objections From The ICC CEO ICC Tried To Halt The ASTM Tiny House Standard Development With False Duplication Claims And Misleading Facts About The HUD Code Excludes Structures- Modular Homes Statute

REGULATORY FRAMEWORK COMPARISON		
CATEGORY	ICC	ASTM
Recognized within regulatory framework (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Used in model codes (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Incorporated through adoption (IBR) (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Becomes enforceable after adoption (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Voluntary consensus standard (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Applies to off-site / modular construction (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Can be used within state programs (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Referenced within I-Codes (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Fits within excluded structures framework (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Provides compliance pathway (Applicable to § 3282.12 Excluded Structures—Modular Homes)	✓	✓
Every category applies. Every pathway exists. Nothing in § 3282.12 prevents it.		

Now I am focusing on two points from the **2022 letter** from the **ICC CEO** that disrupted the final approval for the ASTM Tiny House committee.

First Point From ICC CEO

If a unit is built on wheels and a permanent chassis, and if one of the following conditions is met—

greater than or equal to 8 feet wide, greater than or equal to 40 feet in length, or 320 square feet or more—then the HUD Manufactured Home Standards must be followed unless the manufacturer elects to proactively construct the unit as a modular home. In that case, it must comply with requirements based on a nationally recognized code or equivalent requirements recognized by the HUD Secretary.

The codes currently recognized are the predecessors to the IRC. The requirement specifically calls for a code (not a standard) or equivalent requirements, which by nature would mean duplication of the content covered in the IRC.

My Rebuttal

Without referencing it, what ICC is referring to is § 3282.12 – Excluded

structures—modular homes.

ICC is only referencing select parts of the statute and leaves out the part where an ASTM standard applies.

First -You Must Understand The Statutory Definition Of A Manufactured Home

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.

[Learn more about 3282.12- Excluded Structures -Modular Homes](#)

ICC Chassis Provisions Turned Down 3 Times (10 Years)

An ICC Code That Would Have Included Chassis Provisions For Tiny Houses In The IRC Or IBC Have Failed Three Times In 10 Years

*Appendix Q Tiny Houses: 2018 IRC-ICC Did Not Allow Movable Provisions
ICC/MBI 1200 and 1205 : 2024 IBC -After disapproval, all tiny house terms were stricken.*

Appendix BB Tiny Houses: 2027 IRC- Code Was Not Approved

*ICC stated it could not be a **standard**, it had to be a **code**.*

*ICC duplicated **ASTM** and created a **standard**, while the **code** was turned down. **How ASTM applies to 3282.12 – Excluded structures—modular homes*** 1. ASTM standards are adopted into local codes through a legal process known as Incorporation by Reference (IBR), where a local legislative body formally passes an ordinance or regulation

that makes the standard part of the law. This means that a voluntary standard becomes mandatory for compliance within that jurisdiction, often by referencing specific ASTM standards within model codes.

Example: Wa. state adopted Appendix AQ Tiny House (2021 IRC) and also referenced ASTM standards.

The air leakage rate for tiny houses shall not exceed 0.30 cfm at 50 Pascals of pressure per square foot of the dwelling unit enclosure area. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party.

2. ICC has listed ASTM in CP#28-05 – Code Development as stated;
Standard Promulgation: The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

Source

3. ICC stated -Access over 500 ASTM standards referenced in the 2021 I-Codes.
Source

ASTM standards clearly become a part of model codes and adopted into state and local codes.

Tiny houses on wheels are built off site in a factory, and an ASTM standard could become a part of a modular or factory built program and the manufacturer could self certify to be excluded from HUD regulation.

Excerpt From 3282.12 – Excluded structures—modular homes

(ii) Any local code or State or local modular building code accepted as generally equivalent to the codes included under paragraph (b)(3)(i), (the Secretary will consider the manufacturer's certification under paragraph (c) of this section to constitute a certification that the code to which the structure is built is generally equivalent to the referenced codes.

Second Point From ICC CEO

If built off-site, ICC/MBI Standards 1200 and 1205 govern the process for plan review, inspection, quality assurance, and certification. These standards apply to all forms of off-site

construction characterized as closed construction, meaning the final product cannot be fully inspected at the job site without damage or destruction.
Since off-site tiny houses qualify as closed construction, these standards apply.

ICC/MBI Standard 1200 addresses planning, design, fabrication, and assembly, including fire and smoke protection, mechanical, electrical, and plumbing systems, structural design, manufacturing processes, transportation, storage, and installation.

ICC/MBI Standard 1205 covers inspection and regulatory compliance, including plan approvals, inspections, third-party review agencies, compliance assurance programs, authority oversight, and certification insignia and data plates.

My Rebuttal

ICC does not have the authority to police or in force compliance to their own codes and standards. They chose to remove all tiny home terms from the standard after the IBC disapproval. They are voluntary consensus standards that become enforceable after they are adopted.

The first question that was asked at the IBC hearing when they were turned down was: "Tom, by design, by adopting this particle standard, you intend to disrupt the certification programs that are in the 30 states that have their own program."

At the time of the ICC objection, I had advocated for the revision and reinstatement of [ASTME541](#) that had been withdrawn by accident that has now been published in 2022 that is in over state statutes in over 10 states and referenced by that would supersede an adopted standard, even as a withdrawn standard. HUD also references ASTME541 for their 3rd party requirements that certify manufactured homes.

ICC does not exclusively 'govern certification' as they stated, there are alternatives that have been in place long before ICC/MBI 1205 was developed.

Summary

This analysis exposes a fundamental contradiction in the International Code Council's position and actions.

ICC asserted that chassis provisions for tiny houses could not be addressed through a standard and had to be implemented through a code. However, over a ten-year period, ICC failed three separate times to secure approval for those provisions within the IRC and IBC.

After those repeated rejections, ICC proceeded to develop a standard addressing the same subject matter it claimed could only exist in code. At the same time, ASTM standards are already embedded throughout the regulatory framework and are routinely incorporated into model codes through adoption.

ICC itself recognizes and references hundreds of ASTM standards within the I-Codes, and its own policies acknowledge ASTM as a valid consensus standards developer. These standards become enforceable once adopted and are already used in practice within state and local programs. In contrast, ICC's own standards are voluntary and only gain authority upon adoption, existing alongside other compliance pathways rather than replacing them.

Within the statutory framework for excluded structures, there is a clear and established path for alternative compliance, including the use of adopted standards. ASTM standards fit squarely within that structure and are already applied in real-world code enforcement. Taken together, this reflects not just inconsistency, but a disregard for how the system is actually structured and operates. The pathway for ASTM has always existed, has always been recognized, and has always been in use.

The pattern is no longer subtle. Established pathways were first sidelined by challenging ASTM, a framework already recognized and in use, and now tiny houses are being rerouted through the Small Residential Unit (SRU) detour—despite existing statutory structures and clear federal preemption under both motor vehicle law and HUD. This is not a matter of filling a regulatory gap; it is the redirection of an industry away from lawful, established pathways and into a system defined and controlled by ICC. This is the same tactic used by hiding crucial steps needed for the industry in the forward of the ICC1215 that adds another step that benefits ICC.

Currently The Forward Of 1215 Includes A Portion Of The Excluded Structure Statute But Does Not Link To It And It Is Misleading

1215 Foreword Statements on HUD Code Applicability

The tiny house industry needs to be aware of statements that are included in the first draft of the ICC 1215 tiny house standard that have been hijacked by the small residential unit that could have consequences for the industry.

Why Was This Information Strategically Placed In The Forward?

- The forward is not part of ANSI review before publication.
- The forward was not written by consensus, or go through the public review process.

- The forward frees ICC of any liability for compliance or noncompliance. • ICC does NOT speak for HUD and is overreaching with their authority. • The forward includes interpretations regarding tiny houses and HUD that did NOT go through HUD rule making or was written by HUD.
- The 320 statement is inconsistent with other ICC publications.
- The forward frees ICC of any liability for compliance or noncompliance, shifting the liability to the adopting states and local municipalities, at they **same time that they are disregarding and overriding motor vehicle and HUD federal preemption.**
- Through ICC/THIA 1215, ICC advances a **permanent-occupancy standard** while implying consequences under federal HUD law that ICC has no authority to determine — all while disclaiming ANSI review and responsibility for the Foreword's content.

Source of the Statement and Express Disclaimer

The following statements appear in the **Foreword** of *ICC/THIA 1215-202x, Design, Construction and Regulation of Small Residential Units and Tiny Houses for Permanent Occupancy*, issued by the International Code Council (ICC) and the Tiny Home Industry Association (THIA) as a **First Draft for ANSI Public Comment**.

“The information contained in this forward is not part of this American National Standard (ANS) and has not been processed in accordance with ANSI’s requirements for an ANS. As such, this foreword may contain material that has not been subjected to public review or a consensus process. In addition, it does not contain requirements necessary for conformance to this standard.”

Immediately following that disclaimer, ICC 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 Were Not Issued By HUD

These statements were **not issued by HUD**, were **not adopted through HUD rulemaking**, and were **not reviewed or approved by ANSI**. They are unilateral representations made by ICC in a section it expressly acknowledges is outside the ANSI consensus and public review process.

§ 3282.12 - Excluded Structures—Modular Homes

(a) *The purpose of this section is to provide the certification procedure authorized by section 604(h) of the National Manufactured Housing Construction and Safety Standards Act under which **modular homes may be excluded from coverage of the Act** if the **manufacturer** of the structure **elects to have them excluded**. If a **manufacturer** wishes to construct a structure that is both a **manufactured home** and a **modular home**, the manufacturer need not make the certification provided for by this section and may meet **both the Federal manufactured home requirements and any modular housing requirements**. When the **certification is not made**, **all provisions of the Federal requirements shall be met**.*

(b) *Any structure that meets the definition of manufactured home at [24 CFR 3282.7\(u\)](#) is excluded from the coverage of the National Manufactured Housing Construction and Safety Standards Act, [42 U.S.C. 5401](#) et seq., if the manufacturer certifies as prescribed in paragraph (c) of this section that:*

*(1) The structure is designed only for erection **or installation on a site-built permanent foundation**;*

*(i) A structure meets this criterion if all written materials and communications relating to installation of the structure, including but not limited to designs, drawings, and installation or erection instructions, indicate that the **structure is to be installed on a permanent foundation**.*

(ii) A site-built permanent foundation is a system of supports, including piers, either partially or entirely below grade which is:

(A) Capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure,

*(B) Placed at an adequate **depth below grade** to prevent frost damage, and (C)*

Constructed of concrete, metal, treated lumber or wood, or grouted masonry; and

*(2) The structure is **not designed to be moved** once erected or installed on a **site-built permanent foundation**;*

*(i) A structure meets this criterion if all written materials and communications relating to erection or installation of the structure, including but not limited to **designs, drawings,***

calculations, and installation or erection instructions, indicate that the structure is not intended to be moved after it is erected or installed and if the towing hitch or running gear, which includes axles, brakes, wheels and other parts of the chassis that operate only during transportation, are removable and designed to be removed prior to erection or installation on a **site-built permanent foundation; and**

(3) The structure is designed and manufactured to comply with the currently effective version of one of the following:

(i) One of the following nationally recognized building codes:

(A) That published by Building Officials and Code Administrators (BOCA) and the National Fire Protection Association (NFPA) and made up of the following:

(1) BOCA Basic Building Code,

(2) BOCA Basic Industrialized Dwelling Code,

(3) BOCA Basic Plumbing Code,

(4) BOCA Basic Mechanical Code, and

(5) National Electrical Code, or

(B) That published by the Southern Building Code Congress (SBCC) and the NFPA and made up of the following:

(1) Standard Building Code,

(2) Standard Gas Code,

(3) Standard Mechanical Code,

(4) Standard Plumbing Code, and

(5) National Electrical Code, or

(C) That published by the International Conference of Building Officials (ICBO), the

International Association of Plumbing and Mechanical Officials (IAPMO), and the NFPA and made up of the following:

*(1) Uniform Building Code,
(2) Uniform Mechanical Code,*

(3) Uniform Plumbing Code, and

(4) National Electrical Code or

(D) The codes included in paragraphs (b)(3)(i)(A), (B), or (C) in connection with the One and Two-Family Dwelling Code, or

(E) Any combination of the codes included in paragraphs (b)(3)(i)(A), (B), (C), and (D), that is approved by the Secretary, including combinations using the National Standard Plumbing Code published by the National Association of Plumbing, Heating and Cooling Contractors (PHCC), or

(F) Any other building code accepted by the Secretary as a nationally recognized model building code, or

(ii) Any local code or State or local modular building code accepted as generally equivalent to the codes included under paragraph (b)(3)(i), (the Secretary will consider the manufacturer's certification under paragraph (c) of this section to constitute a certification that the code to which the structure is built is generally equivalent to the referenced codes. This certification of equivalency is subject to the provisions of paragraph (f) of this section)
or

(iii) The minimum property standards adopted by the Secretary pursuant to title II of the National Housing Act; and

*(4) To the manufacturer's knowledge, the structure is not intended to **be used other than on a site-built permanent foundation.***

(c) When a manufacturer makes a certification provided for under paragraph (b) of this section, the certification shall state as follows:

*The manufacturer of this structure, Name _____ Address _____
_____ (location where structure was manufactured).*

Certifies that this structure (Ser. No. _____) is not a manufactured home subject to the provisions of the National Manufactured Housing Construction and Safety Standards Act and is—

(1) designed only for erection or installation on a site-built permanent foundation,

(2) not designed to be moved once so erected or installed,

(3) designed and manufactured to comply with _____ (Here state which code included in paragraph (b)(3) of this section has been followed), and

(4) to the manufacturer's knowledge is not intended to be used other than on a site-built permanent foundation.

(d) This certification shall be affixed in a permanent manner near the electrical panel, on the inside of a kitchen cabinet door, or in any other readily accessible and visible location.

(e) As part of this certification, the manufacturer shall identify each certified structure by a permanent serial number placed on the structure during the first stage of production. If the manufacturer also manufactures manufactured homes that are certified under §§ 3282.205 and 3282.362(c), the series of serial numbers for structures certified under this section shall be distinguishable on the structures and in the manufacturer's records from the series of serial numbers for the manufactured homes that are certified under §§ 3282.205 and 3282.362(c).

(1) If a manufacturer wishes to certify a structure as a manufactured home under §§ 3282.205 and 3282.362(c) after having applied a serial number identifying it as exempted under this section, the manufacturer may do so only with the written consent of the Production Inspection Primary Inspection Agency (IPIA) after thorough inspection of the structure by the IPIA at at least one stage of production and such removal or equipment, components, or materials as the IPIA may require to perform inspections to assure that the structure conforms to the Federal manufactured home standards. The manufacturer shall remove the original serial number and add the serial number required by § 3280.6.

(2) A manufacturer may not certify a structure under this section after having applied the manufactured home serial number under § 3280.6.

(f) All certifications made under this section are subject to investigation by the Secretary to determine their accuracy. If a certification is false or inaccurate, the certification for purposes of this section is invalid and the structures that have been or may be the subject

of the certification are not excluded from the coverage of the Act, the Federal Manufactured Home Construction and Safety Standards, or these Regulations.

(1) If the Secretary has information that a certification may be false or inaccurate, the manufacturer will be given written notice of the nature of this information by certified mail and the procedure of this subparagraph will be followed.

(i) The manufacturer must investigate this matter and report its findings in writing as to the validity of this information to the Secretary within 15 days from the receipt of the Secretary's notice.

(ii) If a written report is received within the time prescribed in paragraph (f)(1)(i) of this section, the Secretary will review this report before determining whether a certification is false or inaccurate. If a report is not received within 15 days from the receipt of the Secretary's notice, the Secretary will make the determination on the basis of the information presented.

(iii) If the Secretary determines that a certification is false or inaccurate, the manufacturer will be given written notice and the reasons for this determination by certified mail.

(2) The Secretary may seek civil and criminal penalties provided for in section 611 of the Act, [42 U.S.C. 5410](#), if.

[44 FR 68733, Nov. 29, 1979, as amended at 49 FR 10666, Mar. 22, 1984]
[Link To CFR](#)

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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.