



July 13, 2026

**VIA E-MAIL:**

Ms. Janet Thome  
janet@tinyhouseallianceusa.org

**RE: Preemption Inquiry**

Ms. Thome,

ICC Council Policy 49 gives the ICC Board of Directors the authority to strike any provision of a code or standard when the Board, acting on the advice of counsel, determines that it is more likely than not that federal law preempts the provision. After considering the issues you raised in connection with the draft ICC 1215 standard, the ICC Board of Directors has concluded, based on the advice of counsel, that it is unlikely that federal or international law would preempt the any provisions in the draft 1215 standard.

You submitted several communications for the Board's consideration this spring, including on May 8, May 28, May 31, and June 1. This letter responds to each communication individually.

1) May 8 Email

Your May 8 email complained that statement in the Foreward to the 1215 standard and the model legislation do not accurately describe how local adoption of the standard would affect manufacturers' obligations to comply with HUD regulations. Specifically, you took issue with the alleged implication that the federal manufactured home construction and safety standards are discretionary; and the phrasing that manufacturers could "opt out" of HUD requirements by complying with model building codes and that local adoption of ICC standards could create an "exemption" from the HUD requirements.

Your email contended that two statements in the Foreword and the model legislation do not accurately reflect the federal requirements. You did not identify any substantive provision of the draft standard that conflict or otherwise be preempted by federal law, which is required for the Board to take action under CP-49.

The Board has forwarded your concern about these statements to Secretariat Karl Aittaniemi to consider within the standard development process. We encourage you to continue to work within the process to advocate for your position. Legal counsel is available to advise the committee on these issues as necessary.

2) May 28 Email

Your May 28 email made two general arguments: 1) the transportation section of the draft 1215

standard is not cohesive with transportation requirements in other ICC standards; and 2) the standard's silence with respect to transportation requirements for temporary carrier systems creates ambiguity that may lead to enforceability challenges.

With respect to your first argument, as discussed above, Council Policy 49 authorizes the Board to take action only with provisions of a code or standard that are preempted by a federal or international legal requirement. This policy does not permit the Board to take action to address cohesiveness of a standard with another ICC standard. If you are concerned about a lack of cohesiveness or consistency between the 1215 standard and the 1200 standard, you are welcome to suggest to the committee that they use similar language to that used in the 1200 standard.

With respect to your second argument, as noted in my December 9, 2025 letter, the draft standard is silent as to transportation requirements for modular homes transported by temporary carrier systems. Your May 28 email concedes this point. You have not identified any federal or international legal requirement that preempts any provision in the transportation section of the draft standard. You also have not cited any provision of the draft standard that does not use mandatory enforceable language.

Instead, you argue that silence as to transportation requirements for modular homes transported by temporary carrier systems creates ambiguity. CP-49 does not authorize the Board to intervene in the standard development process to address ambiguity. You are welcome to encourage the committee to address your ambiguity and enforceability concerns, including by suggesting that they add requirements to the standard that relate to structures transported by temporary carrier systems or referencing any federal regulations that you believe would apply to such systems.

### 3) May 31 Email

Your May 31 email did not raise any preemption concerns. It discussed an alleged failure to include certain stakeholders from the transportation sector in the May 16, 2025 PINS. Karl Aittaniemi responded to this email on June 1, 2026. This communication does not require a Board response.

### 4) June 1 Email

Once again, your June 1 email did not specify any provision of the draft standard that you believe is preempted by federal law. It provided information about the National Highway Traffic Safety Administration, the Federal Motor Carrier Safety Administration, as well as excerpts from federal transportation regulations that relate to motor vehicles. See 49 C.F.R. § 393.17 (applying to a "combination of motor vehicles engaged in driveaway-towaway operation"); § 396.15 (applying to "motor vehicles engaged in driveaway-towaway operations").

The Board has repeatedly explained to you that modular homes with an integrated chassis, which are the only modular homes addressed in the transportation section of the draft 1215 standard, do not fall within the legal definition of "motor vehicle," which must be manufactured primarily for use on public streets and highways. 49 U.S.C. § 30102(a)(7). As a result, the provisions in the transportation section cannot be preempted by federal law that relates to motor vehicles.

The Board respectfully asks you to refrain from submitting any additional preemption claims relating to the 1215 standard that rely on federal statutes or regulations that apply only to motor vehicles. If you submit any such claims, the Board will not provide a written response.

Please be advised that all procedural matters related to the development of the 1215 standard are appealable as set forth in Council Policy 12A.

The Board believes you bring a valuable perspective with respect to tiny home issues and appreciates your involvement in the standard development process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Boso', with a horizontal line extending to the right.

Michael Boso  
President  
International Code Council, Inc.

Cc: Jordana Rubel, International Code Council, Inc.  
Will Coffman, International Code Council, Inc.