

U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, DC 20410

Petition To Reevaluate ICCNTA As An IPIA/DAPIA, The Misappropriation Of The HUD Code, And ICC's Disregard Of Motor Vehicle And HUD Preemption, And Misleading The Public Regarding **§ 3282.12 Excluded structures—modular homes.**
Jan. 26, 2026

Dear The Honorable Scott Turner Secretary Of Department Of Housing And Urban Development,

We have a housing crisis with no end in sight and we have advocates all over the country and actually the world advocating for tiny houses on wheels to be recognized as a viable housing solution. The units are usually 400 square feet or less and can be a single family dwelling, an ADU, or on leased land in a community. Not everyone can afford land.

Tiny Houses On Wheels are Trapped In Legal Limbo

The stark reality is that tiny houses on wheels remain trapped at the intersection of three separate regulatory worlds, with no unified pathway connecting them. HUD has never fully carved out a dedicated lane specifically for the tiny house industry, despite the growing demand for smaller, movable housing. It would have to reflect what the industry needs. 100% plant inspection is not a requirement that small manufacturers can afford and other requirements if they build to the HUD code or as a modular unit.

The RV industry, through RVIA, continues to strongly defend the position that recreational vehicle standards are strictly for temporary-use vehicles and should never be associated with permanent housing. In fact, RVIA has openly opposed state legislative efforts that attempted to use RV and Park Model RV standards as part of permanent tiny house housing frameworks, warning that affordable housing advocates were attempting to “co-opt” RV standards and definitions for residential use.

Is A Tiny House On Wheels A Vehicle Or A Structure? It Is Both

The duo nature of tiny houses on wheels must be recognized to progress the industry. The pathway forward must integrate both compliance paths.

Tiny houses on wheels need their own classification—not another procedural delay or another decade of regulatory fragmentation that is detrimental to the small manufacturers and owner-builders who form the core of the grassroots tiny house movement.

Integration would **create a clear compliance pathway, preventing overlapping authority, and** misplaced liability—something that cannot be accomplished without acknowledging both

Motor Vehicle and HUD preemption.

Uniting the Motor Vehicle Path with The Structure Path is The Road To Legal Dwellings

For almost two years I have tried to persuade the ICC 1215 committee to recognize motor vehicle law. The duo nature of tiny houses on wheels must be recognized to create a legal dwelling to obtain a mortgage and to be accepted in jurisdictions. The path to compliance for tiny houses on wheels is to integrate the motor vehicle compliance path with requirements of a structure, so it meets both the requirements of the road, and for legal placement and for the structure to be recognized as real property. We also need to create provisions that allow tiny houses on wheels to be legally placed on leased land where the unit remains personal property.

The ICC 1215 committee is blocking the very steps needed.

ICCNTA has had an overreach in the involvement in the standard and has suggested that the committee avoid federal domains, including the FMVSS, HUD, and motor vehicle classification, at the same time that they are suggesting select HUD code provisions for the transportation section.

[Learn More](#)

It is a complete contradiction that a manufacturer would exclude themselves from HUD regulations, to then **build to select HUD code provisions as it is being suggested. HUD does not allow this.**

As HUD stated in **§ 3282.12 Excluded structures—modular homes;**

*"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.**"*

ICC 1215 is unenforceable

As written, ICC 1215 is an unenforceable standard and it is an obstacle to both motor vehicle and HUD preemption. The standard is setting the manufacturers up for criminal and civil liability with incorrect guidance.

A person may not manufacture for sale, sell, offer for sale, or introduce into interstate commerce any motor vehicle unless it complies with applicable federal motor vehicle safety standards and is covered by a federal certification.

49 U.S.C. § 30112(a)(1).

[Learn More](#)

The irony is that the opponents against the public comments at the recent PCH hearing were arguing that a relocatable tiny house is a **vehicle** and should not be regulated by building officials or inclusive in the IRC, while the ICC 1215 committee is **denying the motor vehicle path** and they are trying to find a work around federal law and preemption. Avoiding motor vehicle law is fully supported by the ICC board.

The Small Residential Unit was created for a Regulatory Capture Of The Tiny House Industry

A few opponents of the recent code change for tiny houses urged disapproval so the ICC 1215 could be completed. The standard is blocking the very steps for compliance now. The Small Residential Unit will cause a complete reset of the tiny house industry and will create a patchwork of different regulations, exactly what preemption prevents.

In the forward of the standard that does not go through consensus, public, or ANSI review is a statement that is actually pointing toward the § 3282.12 – Excluded structures—modular homes. This should be front and center in the discussion with the committee and stakeholders.

“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.”

1) Misleading statement. This is partially taken from the § 3282.12 – Excluded structures—modular homes.

2) False– they ARE subject to, NOT may be subject to

3) Misleading -“If the Authority Having Jurisdiction adopts this standard as part of its building code, the tiny house may qualify for an exemption. ”

It is misleading, because it is written in a manner that at first glance, you think it means that the standard has to be adopted first to qualify for a tiny house to qualify for an exemption.

Not true. False- the modular exclusion does **NOT** call it an **exemption**, it is referred to as an **exclusion**, and the steps are available right **NOW** for a manufacturer to be excluded from HUD regulation with a voluntary certification process and following exact steps so the unit can be built to building codes that include all the state and local requirements, all steps must be followed.

The standard is not needed for the exclusion.

ASTM E06.26 Tiny Houses

ICC and the Tiny Home Industry Association (THIA) disrupted the approval of a committee for tiny houses with ASTM International for one year after we had the interest of Colorado, New Hampshire, Canada, Australia, and Europe. The ICC CEO was successful in overturning the unanimous COTCO approved committee on tiny houses after we went through all the rigorous steps and industry consensus to have the committee approved and even had initial collaboration arranged with ICC.

Their claims included an I-code change to Appendix AQ Tiny Houses that was never submitted, duplication and that everything was already accomplished for tiny houses. The ICC CEO stated;

"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."*

Note: What he was referring to is **§ 3282.12 Excluded structures—modular homes** that I previously wrote about. What he did not cover is that ASTM standards are referenced not only in the IRC, IBC, and state and local codes that become a part of their code and are included in ICC code criteria for referenced standards.

ICC also stated-*"If built off-site, ICC/MBI Standards 1200 and 1205 **govern the process for plan review, inspection, quality assurance, and certification.**"*

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 ICC/MBI 1200 and 1205 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 state statutes in over 10 states and referenced 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 for decades long before ICC/MBI 1205 was developed.

Currently both the state of Virginia and Utah allow for compliance to either ASTME541 or ICC/MBI 1205. [Learn More.](#)

After a long year of debate and overcoming all their objections, we had a hearing with COTCO, and we were granted a subcommittee for tiny houses.

Shortly after, ICC announced the ICC 1215 committee to ***develop a tiny house standard, and then the tiny house code failed again.***

ICC is duplicating the ASTM tiny house development which raises concerns with WTO Coherence and ANSI Essential Requirements.

ICC is co-branding the ICC 1215 standard with THIA and the committee is dominated by THIA board members. It is important to note that ICCNTA employee David Tompos Sr. was also on the board of THIA and a voting member of ICC 1215 representing the standard developer category when the committee was first established.

[Learn more](#)

Tiny Houses On Wheels are Trapped In Legal Limbo

The stark reality is that tiny houses on wheels remain trapped at the intersection of three separate regulatory worlds, with no unified pathway connecting them. HUD has never fully carved out a dedicated lane specifically for the tiny house industry, despite the growing demand for smaller, movable housing. It would have to reflect what the industry needs. 100% plant inspection is not a requirement that small manufacturers can afford and other requirements if they build to the HUD code or as a modular unit.

The RV industry, through RVIA, continues to strongly defend the position that recreational vehicle standards are strictly for temporary-use vehicles and should never be associated with permanent housing. In fact, RVIA has openly opposed state legislative efforts that attempted to use RV and Park Model RV standards as part of permanent tiny house housing frameworks, warning that affordable housing advocates were attempting to “co-opt” RV standards and definitions for residential use.

[RVIA Article: Affordable Housing Efforts Threaten RV Industry](#)

At the same time, the ICC 1215 process has increasingly rerouted tiny houses away from their existing identity and into the expanding “Small Residential Unit” framework, creating yet another layer of regulatory uncertainty.

The result is an industry that is continuously bounced between agencies, standards, and interpretations. HUD points toward federal manufactured housing definitions and exclusions. RVIA insists RV standards are not intended for permanent occupancy. ICC attempts to create new pathways through evolving standards frameworks. Meanwhile, small manufacturers, owner-builders, local jurisdictions, and consumers remain stuck in the middle trying to determine what a tiny house on wheels legally is, who regulates it, where it can be placed, and how it can lawfully exist as housing.

Is A Tiny House On Wheels A Vehicle Or A Structure? It Is Both

The duo nature of tiny houses on wheels must be recognized to progress the industry. The pathway forward must integrate both compliance paths.

Tiny houses on wheels need their own classification—not another procedural delay or another decade of regulatory fragmentation that is detrimental to the small manufacturers and owner-builders who form the core of the grassroots tiny house movement.

Integration would **create a clear compliance pathway, preventing overlapping authority, and** misplaced liability—something that cannot be accomplished without acknowledging both Motor Vehicle and HUD preemption.

An opponent at the recent ICC PCH hearing stated” *So I heard a very nice, very interesting proposal yesterday, which I think the proponents should consider. Let's create an international tiny house code, and let's put both the vehicles and the tiny houses in that, but don't come and put them in the residential code, please. ”*

For years, proponents, engineers, builders, advocates, and homeowners have attempted to bridge that divide through hearings, public comments, code proposals, standards development, and direct participation in the process. What they have encountered instead is a cycle of reclassification, jurisdictional avoidance, scope expansion, and regulatory detours that continue to push legal placement further out of reach for ordinary people seeking smaller, more sustainable housing options in a time of a housing crisis with no end in sight.

Thank you for reviewing my complaint.

Humanity can land on the moon, develop self-driving vehicles, automate transportation systems, and invest hundreds of billions into futuristic mobility — yet tiny houses on wheels still struggle

to achieve clear and consistent acceptance within many regulatory frameworks.

Janet Thome President
Tiny House Alliance USA
janet@tinyhouseallianceusa.org

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.*