

Janet Thome President
Tiny House Alliance USA
PO Box 121
Marlin, Wa 98832
July 13, 2022

Regarding: Complaint Against David Tompos As Vice Chairperson

MHCC Dear Teresa,

My name is Janet Thome. I am the President of Tiny House Alliance USA, and I have been leading an initiative with ASTM international to develop global standards for tiny houses, with a primary focus on a standard for tiny houses on wheels.

I am writing to submit a formal complaint against David Tompos, who is the Vice Chairperson of the MHCC.

I feel he has acted in a dominant manner that is against the rules of The Act provides specific procedures ([42 U.S.C. 5403](#)) for the MHCC process. of TITLE TITLE 42—THE PUBLIC HEALTH AND WELFARE. Section -Page 6121.

(ii) Dominance defined In this subparagraph, the term "dominance" means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

David is also publicly spreading false information regarding tiny houses and manufactured homes, along with the International Code Council.

ASTM international

We were granted a new technical committee to develop and maintain standards for tiny houses by COTCO, the board that grants new committee. We followed the ASTM process and all the ANSI Essential Requirements For Due Process and gained every milestone of approval by our own merits. We cultivated a relationship with ICC early on and we initially had the support of ICC. Then out of nowhere, ICC objected to the committee. We have been stalled now for almost 4 months.

James Turner with IBTS has made HUD aware of our ASTM initiative and he has been a supportive stakeholder. James also helped with the revision and reinstatement of ASTM E541 that is nearing a new publication date.

James told us HUD said we should keep a firewall between tiny houses and manufactured homes.

ICC/THIA Model Legislation

What is the most disturbing is that as we have been stalled, ICC and a trade association called

the Tiny Home Industry Association (THIA) wrote Model Legislation for tiny houses, promoting compliance with ICC's own codes and standards, with a footnote that is spreading false information about tiny houses and manufactured homes as stated;



MODEL LEGISLATION TO ENABLE THE USE OF
AFFORDABLE, SAFE, SUSTAINABLE AND EFFICIENT TINY HOUSES

1 Tiny houses on wheels with a permanent chassis over 320 square feet are subject to the Manufactured Home Construction and Safety Standards administered by the US. Department of Housing and Urban Development. Where these requirements apply, a manufacturer may opt-out if they then follow requirements equivalent to those contained in a model building code.

ICC keeps referencing 3280, but not 3282 with the amendment to 400 square feet

Over time, the RV exemption has evolved. Since codifying its regulatory exemption in 1982, HUD has exempted RVs from both HUD's Manufactured Home Construction and Safety Standards at 24 CFR part 3280 and its Manufactured Home Procedural and Enforcement regulations at 24 CFR part 3282 if they are:

*Built on a single chassis; **400 square feet** or less when measured at their largest horizontal projections; self-propelled or permanently towable by a light duty truck.*

or this statement from the HUD final rule in 2018:

HUD Elects Not To Regulate All Structures That Qualify For The RV Exemption *HUD maintains statutory jurisdiction over the manufacture and installation of all structures falling within the statutory definition of "manufactured home," but it elects not to regulate all*

structures that qualify for the RV exemption.

HUD Does Not Officially Regulate Tiny Houses

Tiny houses on wheels are not officially regulated by HUD, and in truth there is no official classification or statutory definition or regulation on how it is built.

A tiny house on wheels can be built as an RV, a Modular, or Manufactured Home. The 3rd party insignia would reflect those types accordingly, it would not state that the unit is a tiny house on wheels.

ICC has declared to ASTM that between the IRC, Appendix AQ Tiny House, and their 2 standards for off-site construction, ICC/MBI 1200 and 1205, and any tiny house on a chassis over 320 would be subject to the HUD code.

Note: The 2 ICC/MBI standards have deleted tiny houses from the scope of the committee, the scope of the standards, and the body of the standards after disapproval at the IBC hearing.

[Learn More](#)

Restricting Use Of The HUD Code

We have tried very hard to communicate with ICC and David Tompos, which is the President of ICC NTA, who has been outspoken in the objection. He stated:

“I think what would help your cause, is to develop specific code items that restrict you from using IRC/ appendix AQ or HUD standards as the construction standard and why we can’t just tweak those existing standards. ”

We were only to reference AQ to compliment and supplement the code, not to duplicate. It is my understanding that you reference to avoid redundancy.

The HUD code is not in our proposal as a construction standard.

He wants to restrict our group but not THIA, who they are associated with?

Goal With ASTM

Tiny houses on wheels are mainly built to RV standards, and then RVIA has to lobby against the industry when they are associated with housing.

Tiny houses on wheels can be built as a Modular, but that is not affordable with all the architectural, structural, MEP drawings for the structure and chassis for each unit built.

We appreciate that we can build to the HUD code, but we want to develop and standardize our own industry, create a new classification, and not be swept under the requirement and regulations of established industries.

There are different barriers to zoning, financing, code enforcement, and perceptions for all the different types of housing.

We have 2 states ready to reference the standards, including Colorado who is creating a new state program for tiny houses on wheels. ASTM is named in the tiny house bill.



OFF-SITE CONSTRUCTION SOLUTIONS FOR TODAY'S CHALLENGES

The building industry is facing multiple challenges, including those identified below. The expanded use of off-site construction (often called modular or prefabrication) is one approach to address these challenges.

 **QUALITY**
 **WORKFORCE**
 **SUSTAINABILITY**
 **SPEED TO MARKET**
 **AFFORDABILITY**
 **JOBSITE SAFETY**

The International Code Council's family of solutions offers multiple solutions to support the safe and efficient use of off-site construction.

Design, Fabrication, Construction and Assembly	Permitting, Plan Review and Inspection
ICC/IBC STANDARD 1306: Standard for Off-Site Construction: Planning, Design, Fabrication and Assembly (in development) ICC 65-2018 Sideload for the Safe Use of ISO Intermodal Shipping Containers Repurposed as Buildings and Building Components <u>DESIGN</u> NTA Structural Design Services <u>FABRICATION</u> IAS Accreditation for Manufacturers/Fabricators - AC472: Accreditation of Fabricator Inspection Program for Metal Building Systems - AC157: Accreditation Criteria for Inspection Programs for Prestressed/Precast Concrete Panels - AC172: Accreditation Criteria for Inspection Programs for Structural Steel ICC-ES Product Evaluations - AC04: Sandwich Panels - AC340: Patio Covers - AC506: 3D Automated Construction Technology for 3D Concrete Walls - AC452: Shipping Containers - AC14: Pre-Fab Wood I-Joists <u>CONSTRUCTION & ASSEMBLY</u> IAS Accreditation of Assemblers - AC476: Accreditation Criteria for Inspection Practices of Metal Building Assemblers	ICC/IBC STANDARD 1206: Standard for Off-Site Construction: Inspection and Regulatory Compliance (in development) <u>PLAN REVIEW & PERMITTING</u> IAS Accreditation Under ACCEL - Accreditation Criteria for Regulatory Agencies and Third Parties Providing Building and/or Property Code Enforcement Services NTA Third-Party Plan Review Services ICC Training & Certifications - Off-Site Construction Specialty Course Catalog in the Learning Center <u>INSPECTION</u> IAS Accreditation - AC88: Inspection Agency Accreditation - AC791: Special Inspection Agency Accreditation ICC Training & Certifications - Off-Site Construction Specialty Course Catalog in the Learning Center NTA Third-Party Inspection Services NTA Product Testing ICC-ES Product Evaluations










WWW.ICCSAFE.ORG/OFFSITE

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(i) Financial Independence

No individual appointed under subparagraph (D)(ii) shall have, and three of the individuals appointed under subparagraph (D)(iii) shall not have—(I) a significant financial interest in

any segment of the manufactured housing industry; or (II) a significant relationship to any person engaged in the manufactured housing.

ICC acquired NTA, now known as ICC NTA. ICC and ICC NTA have a significant financial interest in the manufactured housing industry because of the services they offer, and do have significant relationships to manufacturers engaged with manufactured housing, and now they are pushing their services through Model Legislation.

I have email from David that said "ICC is not going to let ASTM create a standard that describes how to build a residential dwelling unit. I think we'd all like to avoid an ugly fight. "

Warned About A Libel Suit

After I shared with the ASTM group through an email regarding the Model Legislation, and pointed out all the conflicts of interests which are:

Written by a subsidiary of ICC that is stating tiny houses must comply with standards ICC developed

Authored by the founder of NTA, now called ICC NTA, that was the chair of the ICC Off-Site And Modular Construction Standards Committee

The Author was also the task group leader for Accreditation that wrote requirements at the maximum level, instead of the minimum leaving out one of the most popular 3rd parties that certify tiny houses.

*The Author is also on the board of THIA
The Co-Author is also on the board of THIA*

The Co-Author was also the only company that represented tiny houses at the ICC Off-Site Committee

I was warned by David Tompos that I was close to a libel suit.

Closing Thoughts

ICC, and their subsidiaries, including David Tompos and THIA is trying to steer the tiny house industry toward either only Modular Construction or as a manufactured home against the will of a large group of stakeholders that want to develop a uniform construction standard with ASTM, the largest ANSI Accredited Standard Developer in the world.

Halting our committee, and then writing model legislation, with false information about tiny houses and manufactured homes to promote compliance to their own codes and standards that lead back to the services of ICC, and threatening a lawsuit if you ask questions is a pretty closed loop and full of conflicts of interest.

I hope you will seriously look into this matter and the conflict of interests and clear up the false

statements regarding tiny houses and manufactured homes.

We are seriously trying to address an affordable housing solution, and address the unsafe practices of an unchecked industry because it operates in the grey area.

Please forward to the appropriate departments to address this matter, if I did not reach the appropriate department.

Sincerely,

Janet Thome President
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