

December 29, 2024
Karl Aittaniemi
Director Of Standards
International Code Council
200 Massachusetts Ave NW
Washington, DC 20001

Dear Mr. Aittaniemi,

Regarding: Janet Thome, President Of Tiny House Alliance USA Appeal Request Of The ICC/THIA OSMTH 1215 Standard And The Inactions And Actions Of The International Code Council.

Janet Thome, President of the Tiny House Alliance USA hereby submits an amended appeal to the International Code Council regarding ICC/THIA OSMTH 1215 and the actions and inactions of the International Code Council leading to the formation of the committee and ICC and committee violations. These statements are my own, and I am not paid staff with ASTM, or represent ASTM.

The Issues Raised By The Appeal Are The Following;

Appeal # 1 Violation Of ANSI Essential Requirements:1.4 Coordination and harmonization.

The ICC board of directors approved the development of OSMTH 1215, even though they were well aware of the ASTM Tiny Houses subcommittee.

The International Code Council and the Tiny Home Industry Association (THIA) that are co-branding ICC/THIA 1215 standard fought against a new ASTM Tiny House committee being developed for a YEAR even after we had the support of Colorado and New Hampshire.

[Colorado State Representative Cathy Kipp](#)
[Colorado State Representative Chris Kennedy](#)
[New Hampshire State Representative Jim Maggiore](#)

The ASTM stakeholders followed all the requirements, and won every vote and milestone.

Both ICC And THIA were invited to participate from the beginning and their objections were given a year long due process.

There was a COTCO hearing that heard both sides, ICC attended and proponents for ASTM that resulted in the approval of activity of tiny houses, and resulted in a new subcommittee called Tiny Houses E06.26 within E06 Performance Of Buildings committee.

The ICC/THIA disruption delayed the final approval of an ASTM E06.26 Tiny Houses within the E06 Performance Of Buildings and we overcame all their objections, and then ICC turned around months later and duplicated all the standards and subject matter on Tiny Houses, but put out a **disingenuous press release stating;**

“The standard complements the work of ASTM’s recently established [E06.26 Subcommittee on Tiny Houses](#) by combining existing criteria for tiny houses used for permanent occupancy into a single, referenceable location. Ryan Colker, Code Council Vice President of Innovation, David Tompos, President of ICC-NTA, and Brad Wiseman, CEO and Board Chairman of THIA, are members of this ASTM subcommittee and will work alongside other members to ensure that the Code Council and ASTM efforts avoid overlap and complement each other, in addition to providing consistency and clarity for tiny house builders, code officials and municipalities on corresponding codes and standards.”

These are the very individuals that worked against the ASTM tiny house initiative and the name and scope of the ICC/THIA standard are already completely overlapping and will only compete with each other, not complement.

[ICC Press Release](#)

We Cultivated A Spirit Of Collaboration With ICC In Discussions with Mark Johnson, Karl Aittaniemi And ASTM In The Discovery Phase.

To avoid duplication, or a conflict of interest, and to cultivate a spirit of collaboration, I personally reached out to ICC very early in our initial negotiation with ASTM and also made ASTM aware of the ICC Off-Site And Modular Construction Standards Committee that were developing two standards;

ICC/MBI 1200 Standard for Off-site Construction: Planning, Design, Fabrication And Assembly 1CC/MBI 1205 Standard for Off-site Construction: Inspection, Regulatory Compliance

At the time of our initial discussion with ICC, tiny home terms were included in the scope of the committee, the scope of the standards, and the body of the standards. I was never concerned that there would be a conflict, because the tiny homes would be built to Modular Construction which is built off-site and must comply to model building codes to where the tiny house would be transported to. We had several calls with ICC.

March 9th, 2021: Leonard Morrissey, Lissy Velez, Janet Thome, Bob Gorleski, and Mark Johnson, the ICC/ASTM liaison had a call and introduced our ASTM committee and a primary goal to develop a tiny house on wheels standard.

August 2021: Lizzy Velez spoke to Karl Aittaniemi, the ICC Director Of Standards regarding the THIA objection and the subject of duplication sometime in August.

Sept 1st, 2021: Leonard Morrissey, Lissy Velez spoke to Karl Aittaniemi and Mark Johnson with ICC regarding the THIA objection and also to understand the position of ICC and our ASTM committee.

Mark Johnson attended the second call with the stakeholders.

Nov. 8th 2021: ICC was invited to the organizational meeting on approving the proposal to be presented to COTCO. They did not attend the meeting to vote.

During the initial phase of the ASTM negotiation, I spoke to both Karl and Mark to make sure I understood how to not be in conflict with the codes, and I received supportive information and I was instructed on how to complement and supplement the code, including Appendix Q Tiny House. Karl spoke of collaboration in case in the future, potential standards would be referenced in the codes that would require mandatory language.

Two members on the board of the Tiny Home Industry Association (THIA) are also on the ICC Off-Site And Modular Standards Committee. A lot of the ICC objection is a recycled version of the THIA objection. The THIA objection delayed us for 4 months. Part of the THIA objection was because they stated they were going to submit an I-Code amendment for Appendix Tiny House for the 2024 IRC. They did not end up submitting the amendment.

[THIA Objection](#)

[ASTM's Answer To THIA](#)

ICC did not follow "Good Faith Efforts" And "Coordination And Harmonization" And Is Duplicating ASTM.

Appeal # 2 Violation Of The WTO Compliance Process 5. Coherence:

The International Codes and ICC standards are developed through a WTO-compliant consensus-based process that is supported and embraced by the U.S. Government. ICC states

on their website that:

As proud strategic partners of the US Department of Commerce International Trade Administration, we actively support the various US Government initiatives that enable harmonization, reduce technical barriers to trade, and open markets to US manufacturers and service providers in the design and construction industry.

WTO: Principles for the Development of International Standards, Guides and Recommendations

1. Transparency
2. Openness
3. Impartiality and Consensus
4. Effectiveness and Relevance
5. Coherence
6. Development Dimension

5. Coherence

In order to avoid the development of conflicting international standards, it is important that international standardizing bodies **avoid duplication of, or overlap with, the work of other international standardizing bodies.** In this respect, cooperation and coordination with other relevant international bodies is essential.

Standard Developers have an obligation to avoid duplication in the marketplace because it causes confusion, creates division, and sides. ICC is becoming known as a SDO that develops and duplicates standards for the sake of competition and to serve their 8 subsidiaries, instead of a need in the marketplace.

Appeal # 3 Violating ICC Consensus Procedures On Handling Written Complaints:

I have submitted complaints in writing for almost 5 years and 99% of my complaints have gone unanswered in violation of ICC Consensus Procedures for complaints which should have been answered in writing within 30 days.

Appeal # 4 ICC Violates Their Own Policy That Is Included In Their Codes And Standards That State:

ICC does not have the power or authority to police or enforce compliance with the contents of this standard. Only the governmental body that enacts this standard into

law has such authority.

The highlighted statement is directly from ICC-yet ICC is trying to enforce tiny houses to be in compliance with ICC/MBI 1200 and 1205 standards against the will of a large portion of the tiny house industry that desired to develop standards specific to tiny houses **with ASTM International and stakeholders in the tiny house industry.**



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

**Appeal #5 Antitrust Violation. ICC And THIA Created An Illegal Joint Venture:
The International Code Council And The Tiny Home Industry Association
Formed A Union To Restrict Trade And Corner The Tiny House Market
Including;**

a) Both THIA and ICC joined together to to try and disrupt the ASTM Tiny House Initiative with the board members of THIA, including David Tompos Sr., whom is paid staff of ICC, but also on the board of THIA with a false duplication claim for the purpose of restricting trade, cornering the market, and forcing ICC/MBI 1200 and 1205 that had deleted all tiny home terms from the standards after the disapproval of the standards at the 2024 IBC hearing.

b) ICC Violates ICC CP#50-21 – Antitrust Compliance Guidelines

While ICC and THIA had the ASTM committed stalled, they published their Joint Model Legislation. I objected to the ICC/MBI Model Legislation that both had the THIA and ICC logo displayed on it and complained to Cindy Davis, who was the President of ICC at the time, because in the ICC Antitrust Compliance Guidelines it states;

Background: The antitrust laws prohibit joint activity or agreements between persons and businesses that unreasonably restrains trade. Such agreements may be written, unwritten, informal, or even unspoken. Violations of the federal antitrust laws may be felonies, which (1) can subject an individual to imprisonment, and (2) can subject companies and individuals to substantial monetary fines, civil liability for treble damages, and injunctions

Guidelines: To minimize the antitrust risks of ICC Activities, including code and standards development, those participating in ICC Activities ("ICC Participants") should avoid even the appearance of discussing competitively sensitive information or reaching agreements that may harm competition. To this end, there should be no discussions, communications or agreements among ICC Participants regarding any of the following

[ICC CP#50-21 Antitrust Compliance Guidelines](#)

The joint venture of ICC and THIA was and is an illegal joint venture to control the market, and restrict trade. Former ICC President Cindy Davis never answered my complaint. I complained to the rest of the board members, and was never answered.

The joint venture has not only been documented, but flaunted, and has ostracized the rest of the tiny house industry.

The ICC/THIA joint venture is also a violation of The Sherman Act that outlaws "every contract, combination, or conspiracy in restraint of trade," and any "monopolization, attempted monopolization, or conspiracy or combination to monopolize."

11) False Information In The ICC/THIA Model Legislation

There is a footnote as stated below:

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.

This statement did not come from HUD in a final ruling. Building tiny homes to the HUD code would be out of reach for most, because of the expense to certify the factory and pay the fees for an HUD approved third agency.

During the time that ICC and THIA delayed the ASTM Tiny House initiative, they co-branded the ICC/THIA Model Legislation, promoting the adoption of Appendix AQ Tiny House and ICC/MBI 1200 and 1205 and co-branded the 2021 Tiny House Provisions, once again promoting the AQ and 1200 and 1205.

The publication of the 2021 Tiny House Provisions was published in 2022, but they backdated the publication one year, in my opinion to paint a picture to ASTM, that everything was covered for tiny houses. It was published a few days before the COTCO hearing. It is also my opinion that they wrote the model legislation and the provisions because they had removed all tiny house terms from the scope of the committee, and the body of the standards after the sweeping disapproval 13 to 1 at the 2024 IBC hearing where they presented the new ICC/MBI 1200 AND 1205 standards.

Appeal # 6 Dominance Of THIA Board Members And Associates On The OSMTH 1215 Committee And Co-Branding 1215 With ICC And Not Lack Of Following The ANSI Essential Requirements For Due Process For A Dominance.

Co-branding OSMTH 1215 with ICC and THIA after they jointly fought the ASTM Tiny House Initiative is an exercise of dominant authority, flaunting superior leverage, strength, and leadership and the influence of David Tompos Sr., an ICC staff member on the committee that has had an over reach in his participation, resulting in a violation of not allowing dominance in the committee.

ICC Has Ignored All Requests To Address The Over Abundance Of THIA Members On The 1215 Committee Which Is Against The ANSI Essential Requirements For Due Process

- Janet Thome and others have pointed out the over abundance of THIA board members and they have ignored all requests to address this.
- Janet Thome has asked for the recusal of David Tompos Sr. because of a conflict of interest because he is:
Paid ICC Staff
- The VP Of Sales Of ICC NTA , A Third Party That ICC Owns
- His Son Is Also Employed By ICC That Will Accredite The Third Parties ● He Is On

The Board Of THIA (i heard he recently resigned from THIA- but that does not erase his almost 5 Years Involvement)

- He Has A Personal Agenda To Push 1205 As A Replacement Of ASTM E541 for the benefit of ICC Taking Advantage Of Their Position As A Standard Development Organization.



Antitrust Violation

” 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. ”

-David Tompos Jr.

ICC NTA President

Email To Janet Thome
President Of Tiny House Alliance USA

David Tompos Jr.

*Through email exchanges, David Tompos Jr. and Janet Thome, he stated that **ICC is not going to LET ASTM create a standard that describes how to build a residential unit.** I was also warned that I was close to a libel suit after I pointed out who was behind a joint ICC/THIA publication, and was even told in an email that they were thinking about restricting our use of AQ and the*

HUD code.

At the time, David Tompos Jr. was the President of ICC/NTA and was also the Vice Chair of the MHCC that advises HUD.

All these statements from David Tompos Jr. are antitrust violations and document the intent of ICC to restrict trade, corner the market, and dominate the tiny house industry.

David was originally friendly toward the ASTM Tiny House Initiative, which I also have in an email.

David Tompos Jr. is currently the **EXECUTIVE VICE PRESIDENT, ICC CONFORMITY ASSESSMENT GROUP**

In his role as Executive Vice President of ICC's Conformity Assessment Group, David is involved with the oversight of and strategic planning for multiple divisions of the International Code Council's family of solutions, which include **ICC NTA, ICC-ES, and IAS.**

Appeal #7 Illegal Vote Stacking. An Antitrust Violation.

The committee has only 18 voting members. One third are government officials. They have filled the rest of the committee with THIA board members and close associates, including David Tompos Sr. who is paid staff of ICC, and a board member of THIA.

Note: *He recently resigned from THIA, however he was on the board of THIA for almost 5 years, and was on the board when all the decisions were made regarding opposing the ASTM Tiny House Initiative, the OSMTH 1215 and the direction of the standard.*

The OSMTH 1215 has stacked the vote and that is against antitrust laws. The outcome and direction of the standard, and the base documents were all decided by THIA and David Tompos Sr. and the highest executives of ICC and the vote is rigged.

To compound the dominance in 1215 is the fact that the committee has 9 representatives of THIA, either as board members, paid staff, and one is associated with a THIA board member that are both employed by the same company. This is over the allowance of one organization.

Appeal #8 Denial Of A Certification Work Group. Violating The ANSI Essential Requirements-1.6 Consideration of views and objections

Prompt consideration shall be given to the written views and objections of all participants, including those commenting on the PINS announcement or public comment listing in Standards Action.

I requested a certification work group to be added to the agenda of the meetings for months, and requested it in the meetings. My request finally made the meeting notes in April.

Timeline Regarding The Request For A Certification Work Group

1) [April Meeting Notes Stated](#)-A work group to develop content with respect to certifications.

2) [May Meeting Notes Stated](#)-A work group for inspections would originate in Work Group 1 and will determine if it warrants a separate work group.

3) **After May There Was No More Mention Of Certification In The Meeting Notes And As Of August 8, 2024-the work groups did not include certification.**

4) **December 19, 2024.** I requested a workgroup for certification at the 11th meeting at the end of their agenda, and it was not allowed for further discussion because they were over the time.

David Tompos Sr. Has Blocked The Certification Workgroup

David Tompos Sr. has continually blocked my request to have a discussion regarding ASTM E541 to be the minimum requirements for third parties that is referenced by HUD and 10 states as a statutory requirement and he has stated that the requirements in ICC/MBI 1205 must be used.

When 1205 was being developed, I requested that they reference ASTM E541 as the beginning requirements for third parties, but I was told I was too late, and I would have a chance in 5 years to make the suggestion again. David Tompos Sr. was the chair of the committee, which is another conflict of interest that competing third parties objected to, but the objection was ignored.

I waited 5 years, but when I bring it up on the 1215 calls or through emails, David Tompos Sr. dismisses my request, and no one will acknowledge the obvious conflict of interest.

Certification is within the scope of discussion, but it has already been predetermined that the provisions of 1205 is what will be used.

ICC/MBI 1205

Almost 5 years ago I was screamed at by the co-chair of the committee when I requested that they remove the services of ICC from the 1205. Although it was never acknowledged, and all my communication regarding the matter to the ICC staff and board was ignored, upon publication, the services were removed.

Appeal # 8. ICC Has Violated The ICC Conflict Of Interest Policy And Code Of Ethics By Not Addressing David Tompos Sr. And The Conflict Of Interest That

State:

I Have Asked That David Tompos Sr. Recuse Himself From Voting On The Issue Of Certification And Third Party Requirements Because Of The Obvious Conflicts Of Interest Including:

Paid ICC Staff

The VP Of Sales Of ICC NTA , A Third Party That ICC Owns

His Son Is Also Employed By ICC

He Is On The Board Of THIA (i heard he recently resigned from THIA- but that does not erase his almost 5 Years Involvement)

He Has A Personal Agenda To Push 1205 As A Replacement Of ASTM E541 for the benefit of ICC Taking Advantage Of Their Position As A Standard Development Organization.

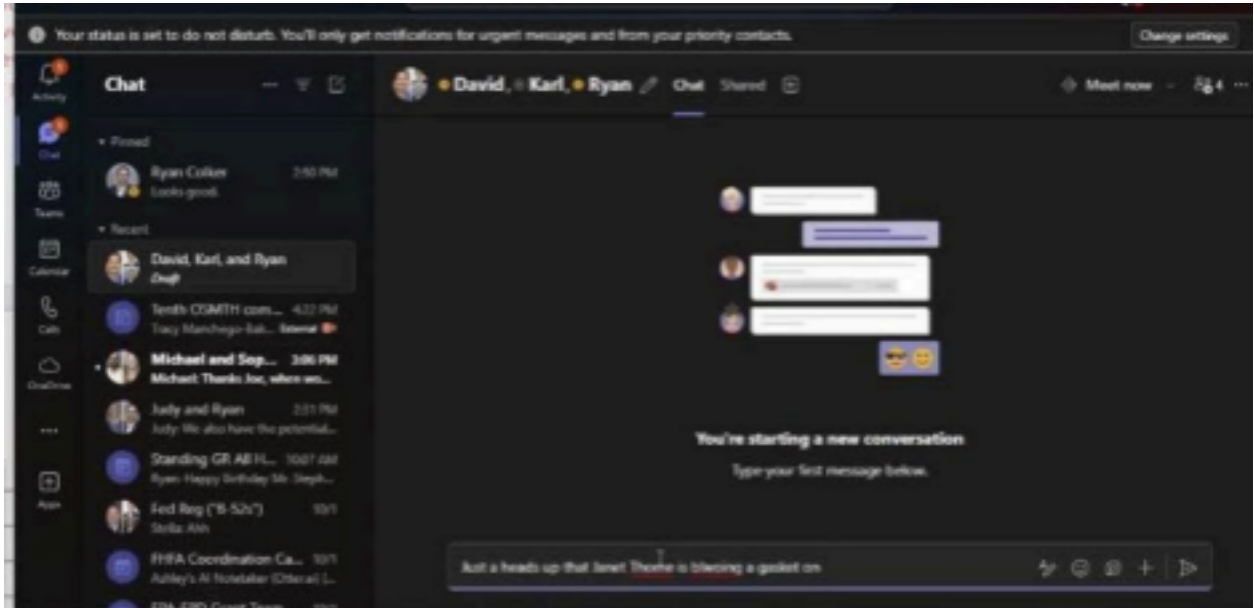
Both Karl , David And Jonathan have refused to acknowledge the conflict of interest with David Tompos Sr. and they have conspired to not allow the certification work group and even have a thorough discussion on **inspection, certification, regulatory compliance of tiny houses, which is not only in the scope of the standard**, but is the most important factor that will affect every single stakeholder in the industry that will affect them materially, because they have an agenda that will serve ICC as a SDO, the standards they sell, the ICC services, and the agenda to have consolidated power to control housing from conception, to compliance, and placement, giving ICC monopoly power over all third parties for market dominance.

All costs that third parties will incur will be passed down to manufacturers, and then to housing.

ICC Has Violated The ICC Conflict Of Interest Policy And Code Of Ethics By Not Addressing David Tompos Sr. And The Conflict Of Interest That State:

At all times, act in an ethical manner, comply with the ethical rules and regulations related to his or her profession, and **avoid conflicts of interest.**

Appeal # 9 Joseph Sollud Violated The ICC Code Of Ethics.



Joseph Sollud, who took the place of Karl at the ICC/MBI 1215 meeting disparaged Janet Thome in a private message to David and Karl, and Ryan Colker, and it was caught by 2 participants that took a screen shot at the October 2, 2024 meeting. This type of behavior should not exist in an open standards meeting. The message stated: **“Just A Heads Up That Janet Thome is blowing a gasket on”**.....He was interrupted because someone mentioned they were seeing the screen.

I was not blowing a gasket at all, I just would not take no for an answer when I wanted *to speak and I did not allow anyone to interrupt me. I had to assert myself several times.* I was completely professional in the meeting and I always raised my hand before speaking, but I was continually interrupted and there was an attempt to censor me.

This behavior violates [ICC Code Of Ethics](#)

Appeal # 9 Jonathan Paradine Violated The ICC Code Of Ethics And ANSI Essential Requirements 1.6 Consideration Of Views And Objections

Jonathan Paradine, the chair of ICC/THIA 1215 tried to censor and block me from speaking at

the October 2, 2024 meeting, and he refused to allow a vote on a certification work group. I personally asked for a certification work group since the beginning of the calls.

Jonathan had previously volunteered to be the chair in one of the meetings, when I first requested it months ago.

He finally let me speak but I had to be assertive in my request to speak, which should not be the case, because the ANSI Essential Requirements Require Consideration Of Views And Objections.

Appeal # 10 ICC Expo With ICC Webinars Registered With AIA Continuous Education Credits.

1) There were webinars in California in October 2024 that were teaching on the subject of the approval process for Small Residential Dwelling Units, ADUs, and Tiny homes which is obviously regarding the inspection, certification, and regulatory compliance for all the types mentioned. It is obvious that it is about OSMTH 1215. How can an ICC webinar be taught on the subject of approval with the standard has not even gone through the entire process, been approved and published?

The second webinar instructed by Joseph Sollodl also discussed tiny homes, requirements, and third party approval which has not been decided yet in 1215.

What is equally disturbing is the way the information will be presented, they are termed as requirements (1205 is a voluntary standard) and the attendees even get CEDs credits for continuing education and are registered with AIA.

Having the webinars before you have not even received back the first comments on the first draft, just solidifies, that there is a foundation of corruption in this so-called open standards process that refused to even have a certification workgroup, ignore the conflict of interest with David Tompos's influence, refused to address the over abundance of THIA board members, and associates, over the co-branding the standard with THIA, that flaunts the unlawful joint venture and dominance in the standard development setting, and the over reach in the standard from ICC.

APPLICATION AND ADMINISTRATION

SECTION 101 ADMINISTRATIVE PROVISIONS

101.1 Purpose. The purpose of this standard is to provide minimum requirements to safeguard public health, safety, general welfare and to address societal and industry challenges for the inspection and regulatory compliance of small residential units. This standard is intended for adoption by government agencies and organizations for use in conjunction with model codes to achieve uniformity in the inspection and regulatory compliance of small residential units.

***Note:** The current approved 101. 1 Purpose section under Administrative provisions includes **inspection and regulatory compliance**, the very subject that has NOT been allowed to have a work group discussion in its own work group. Once again, I know that this is technical, I am just submitting this to back up my procedural complaint.*

Appeal # 11 Complaints Regarding ICC/THIA 1215

I have tried to participate as a respectful stakeholder, but in my opinion, the meetings are not following the ANSI Essential Requirements, the ICC Code of Ethics, the ICC Conflict Of Interest Policy, Or the Federal And ICC Antitrust policies.

At the beginning of the call, Karl Aittanemi, the Director Of Standards usually makes a statement that they must follow antitrust laws, or if there is a conflict of interest, you cannot vote, or they cannot discuss marketing, with the **blatant contradiction and the Giant Elephant In The Room Or Should I Say Tiny House Is** that the ICC/THIA joint venture is against Antitrust Policies, and the fact that THIA has their own dedicated page on the ICC website documenting their joint venture.

Appeal #12 The Project Team Has Failed To Address Conflicts Of Interest And Nonparticipation.

At the 11th meeting, it was announced that a building official changed employment and resigned, but no one seemed to notice he had only attended one meeting. The conflicts of interest should have been addressed by the project team, and non-participation in the meetings and work groups by the committee members.

Appeal # 13 Violation Of ICC CP#50-21 Antitrust Compliance Violations. Janet Thome Has Been Personally Treated As A Person That ICC And THIA Have Refused To Deal With.

Under Guidelines.

3.5 Terms on which any ICC Participant will or will not deal with particular competitors, suppliers, distributors, or customers.

The co-chair has instructed other members not to engage with me. Every comment, idea, or contribution to the committee has been ignored or dismissed.

I was called a special interest group by a building official, and another building official has blocked communication.

I have been singled out by the committee and I have been treated with great disrespect.

Most of my emails to ICC have been ignored for almost 5 years. I have sent numerous complaints that should have been answered in 30 days, but they were ignored.

Appeal # 14: Violation Of ANSI Requirement 2.5.1 Project Initiation Notification System (PINS) A New Pin Request Was Denied By Mr Sims That Janet Thome Submitted In Writing. ANSI states;

At the initiation of a project to develop or revise an American National Standard,, notification shall be transmitted to ANSI using the Project Initiation Notification System (PINS) form, or its equivalent, for announcement in Standards Action. Comments received in connection with a PINS announcement shall be handled in accordance with these procedures.

A statement shall be submitted and published as part of the PINS announcement that shall include:

- a. an explanation of the need for the project, including, if it is the case, a statement of intent to submit the standard for consideration as an ISO, IEC or ISO/IEC JTC-1 standard; and*
- b. identification of the stakeholders (e.g., telecom, consumer, medical, environmental, etc.) likely to be directly impacted by the standard; and*
- c. the interest categories that will or are expected to comprise the consensus body.*

If the response to sub-section (b) changes substantively as the standard is developed, a revised PINS shall be submitted and published.

Since the ICC board approval of the standard, it has gone through substantive changes and it is no longer a tiny house standard. Tiny houses are already defined in the IRC and the definition includes the size of 400 square feet or less. The new direction of the standard has changed to a Small Residential Unit (SRU) that is up to 1200 square feet and the SRU is neither in the IRC or IBC. The SRU was not in the original pins notification title, scope, description of the standard, or on the ICC Offsite Construction page that describes the committee.

I understand that this could be perceived as a technical issue, but it is both technical and procedural, because ICC has failed to file a new pin when it was asked for in writing.

Appeal # 15: The OSMTH 1215 Draft Is Out Of Compliance With The Mandatory Scopes Of The Working Group Scopes.

OSMTH 1215

Work Group One Scoping Statement:

*Under the direction of the IS-OSMTH Committee, Working Group 1 will create draft versions of the "Application and Administration" and "Definitions" chapters of the ICC/THIA 1215 Standard for **Tiny Houses** as residential dwellings with or without wheels and deliver those draft versions to the IS-OSMTH.*

Work Group Two Scoping Statement:

*Under the direction of the IS-OSMTH Committee, Working Group 2 will address the design criteria for **tiny houses**, including provisions for Fire Safety, Mechanical, Electrical, Plumbing, Gas and Fuel, Energy and Structural Design.*

Work Group Three Scoping Statement:

*Under the direction of the IS-OSMTH Committee, Working Group 3 will create draft versions of The "Transportation and Storage" and "Installation" chapters of the ICC/THIA 1215 Standard for **Tiny Houses** and deliver those draft versions to the IS-OSMTH committee for review.*

Work Group Four Scoping Statement:

*Under the direction of the IS-OSMTH Committee, Working Group 4 will create draft versions of the Manufacturing and Fabrication chapters of the ICC/THIA 1215 Standard for **Tiny Houses** and deliver those draft versions to the IS-OSMTH committee for review.*

The mandatory work group scoping statements for OSMTH 1215 do NOT include the term Small Residential Unit (SRU) at all, so the current draft is NOT in compliance with the work group scopes.

CHAPTER 1

APPLICATION AND ADMINISTRATION

SECTION 101 ADMINISTRATIVE PROVISIONS

101.1 Purpose. The purpose of this standard is to provide minimum requirements to safeguard public health, safety, general welfare and to address societal and industry challenges for the inspection and regulatory compliance of small residential units. This standard is intended for adoption by government agencies and organizations for use in conjunction with model codes to achieve uniformity in the inspection and regulatory compliance of small residential units.

At the 11th meeting, the draft was reviewed with the public comments, and the tiny house term was disapproved in the **101.1 Purpose** section under administrative provisions, and the term small residential units remained even though there were 5 comments suggesting to add tiny houses to the section.

Work Group One Worked On The Administrative Provision Sections

This could also be perceived as a technical issue, and not a procedural issue, however, I feel it is both, because the standard is no longer a tiny house standard, it is a Small Residential Unit standard (SRU) and the committee is not following ICC or ANSI procedures and has it been taken over by the agenda of David Tompos Sr. who does not personally like the term tiny house, even though the primary focus is suppose to be tiny houses. Pointing out the technical issue backs up my procedural appeal.

International Building Code - General

2021 Group A - Report of the Committee Action Hearing Results

G102-21

Committee Action:

Disapproved

Committee Reason: This proposal was disapproved. The definition for off-site construction included modular buildings and components. Modular units are typically regulated by state specific requirements. The definition for off-site construction includes tiny houses. Tiny houses are not address by the code, but are in Appendix Q. This blanket exception for tiny houses is too broad. Would this cause a conflict with the tiny house emergency escape and rescue openings? The definition of off-site construction is too broad - it could be read to include items such as prefabricated trusses, the modular units and sleep pods in G101-21 or precast panels. (Vote: 13-1)

G102-21

He has given false information to the committee regarding the disapproval of iCC/MBI 1200 AND 1205 standards which were disapproved at the IBC hearing.

He continues to blame the tiny house term as the reason the standard was disapproved, though in reality it was his mistake and the committee's mistake to propose administrative standards to the IBC, because tiny houses are NOT addressed in the IBC, only the IRC.

The OSMTH 1215 is using this false myth to justify the need to use the term small residential unit, instead of tiny houses, but they have NOT gone through the proper channels, that would include ICC board approval, to use this term instead of tiny houses.

In both the IRC and even in the new definition of this standard, it only includes tiny houses 400 square feet or less as stated;

TINY HOUSE. A SMALL RESIDENTIAL UNIT 400 square feet or less with or without a PERMANENT CHASSIS system.

For the draft to be in compliance with ANSI and ICC, it would have to be in compliance with the mandatory work group scopes that determined what they would be working on with the stakeholders materially affected and the committee and the work group scopes were approved

by the committee, through the guidance of Karl. So in reality, the work groups only had the authority to work on provisions for tiny houses that were 400 square feet or less, not small residential units.

Small Residential Units are not relevant to the standard and the votes from the 11th meeting need to be overturned and all SRU terms should be deleted from the draft.

Appeal # 16: There Is No Firewall Between ICC As A SDO, The Standards They Develop, And The ICC Services.

In the OSMTH 1215 committee, there has been an overreach of ICC's influence through David Tompos Sr. who has blurred the lines of the different identities of ICC, which I included in my previous complaint regarding David Tompos Sr.

Adverse Effects Of The Appellants

Under the guise of 'affordable housing' and 'creating uniformity,' ICC has developed standards as tools that create market dominance in every aspect of housing from conception to compliance to placement, and while the nation is in a housing crisis with no end in sight, they are getting wealthier and wealthier.

With the help of the states support, either unknowingly, or knowingly, ICC is becoming an unchecked, consolidated monopoly, without competition, with little oversight, where all aspects of housing intersect back to ICC, creating a closed loop system by design, and they are taking advantage of their position as a Standard Developer, to write standards that serve the sale of more standards, and their services of 8 subsidiaries.

ICC is using ICC/MBI 1205 to create barriers to entry for any new third party to become a third party, because the beginning threshold is too high *by design*, so *ICC NTA, IAS, and the ICC subsidiaries have dominance in the marketplace, and is harming competition and an open marketplace.*

The competitive third party agencies are being harmed, and have to incur more and more costs to compete.

This harms the manufacturer, because any new cost a third party will incur, will be passed down to the consumer.

This harms the consumer, because any new cost that is passed on to the manufacturer, has to be passed on to the consumer.

By ICC not honoring that the E06.26 ASTM E06.26 Tiny Houses subcommittee won every milestone honorably, following the ANSI Essential Requirements For Due Process, and all ASTM procedures, to turn around and duplicate the standard development, is causing confusion in the marketplace, and is causing division in the tiny house marketplace, where people feel they must take sides, there should not be sides in the first place.

Appendix Q Tiny Houses, now known as Appendix BB Tiny Houses has achieved great success in the country and has brought uniformity to the building officials, manufacturers, legislators, and consumers, and this committee is sabotaging the progress with the introduction of the small residential unit that will erase the current progress and bring confusion to the marketplace.

There is a not so hidden agenda at play here, and what is most disturbing is that it seems to be in full support of the ICC.

Requested Remedial Actions;

1) Assign The Project Team For 1215

2) Remove The Co-Branding With THIA From 1215. The Relationship Is Flexing The Muscles Of Dominance ' And Superior Weight And Strength And Power Of Who ICC Is With The THIA, The Very Organization That They Worked With To Stop The ASTM Tiny House Initiative For One Entire Year That Documented Their Desire To Restrict Trade, Corner The Tiny House Market, Dominate The Industry, And Force ICC/MBI 1200 And 1205 On The Industry, That Also Had David Tompos Sr. Who Is ICC Staff And On The THIA Board. THIA Has Also Been Given A Financial Incentive To Vote The Way ICC Wants Them To, Because They Can Sell The ICC Publications.

3) Stop Co-Publishing Exclusively With THIA, And Remove The Exclusive Marketing Page, Which Is A Violation Of Your Own Antitrust Compliance Guidelines.

4)The Dominance Of THIA Board Members And Associates Need To Be Addressed And A Few Committee Members Removed And Replaced With People That Applied And Were Denied To Signal The Industry That You Will Honor The Requirement To Have A Diverse Committee And Not Be Dominated By A Single Interest.

5) Remove The Off- Site Marketing Page That Only Promotes ICC NTA, That Blends The Services Of ICC With All The Standards Of ICC. This Harms Competition. 6) Address The

Conflict Of Interest That David Tompos Sr. Cannot Vote On Third Party Requirements, Inspection, And Regulatory Compliance In 1215 And Take The Action That He Cannot Vote Because Not Only Is He Employed By ICC, His Son Is As Well.

7) Investigate Why A Certification Work Group Has Been Blocked And Allow A Certification Work Group In 1215 To Be Formed **To Have A Fair An Open Conversation.**

6) There Needs To Be An Audit By The Project Team For Participation Within 1215.

7) The 1215 Needs To Be Educated On The ICC Conflict Of Interest Policy 10) Disclose All Informal And Formal Agreements Between ICC And THIA, And Any Financial Incentives That Have Been Promised To Them To Sell Publications And Standards.

8) I am requesting an audience with ICC for my complaints that are not procedural that go back five years that have gone unanswered.

9) The standard requires a new pins notification.

10) The draft has to be re-written within the scope of the working group scopes that were already approved by the committee.

11) All SRU need to be stricken from the draft. Reasons were previously stated.

12) All votes from the 11th meeting need to be overturned. Reasons were previously stated.

13) ICC must keep a fire wall between their identity as a Standard Development Organization, the standards ICC develops, and the services of ICC.

Soon THIA will be selling copies of the ITHP through their web store offer at a discounted members-only price. Stay tuned! Proceeds from the sales will help support the association's efforts to support the best interests of the tiny home industry.

**ITHP Stands For International Tiny House Provisions
Co-Published By ICC And THIA**

14) ICC needs to be transparent and disclose any financial agreement or other promotional agreements they have with THIA.

15) Another option is to withdraw the standard.

16) Correct the false information about HUD and tiny houses in the model legislation. Reason was previously stated.

Closing Thoughts

I was the proponent that spearheaded the tiny house initiative with ASTM International. I am not officially affiliated with ASTM, or a staff member, and this statement is my opinion and personal comments.

The centralized power that ICC has to develop codes, standards, ICC ESR reports, ICC accreditation, ICC training, ICC inspectors and the acquisition of NTA, which is now referred to as ICC NTA which allows ICC to offer testing, inspection, and plan review has given them unchecked power and should be investigated to the fullest extent, as they are abusing their position, and do not have a firewall between the codes and standards they develop and their services and are operating as a monopoly. All marketing of the ICC codes, standards, and ICC services point back to the services of ICC and include only organizations that they co-brand with such as the Modular Building Institute and the Tiny Home Industry Association.

Please let me know if you would like me to submit anything else, and I appreciate your time and consideration to address my appeal.

Janet Thome Founder And President

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