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Testimony of the International Code Council before the House Transportation and Local Government committee, Tuesday March 1, 2022, HB 12-1249

Hello and thank you for the opportunity to offer testimony regarding HB 22-1242, “tiny home bill.” My name is Richard C. Anderson, I am a Director of Plumbing, Mechanical and Fuel Gas (PMG) Technical Resources and the International Code Council’s (ICC) Government Relations liaison for Colorado.

ICC is a nonprofit organization, driven by the engagement of its more than 64,000 members (including 2200 in Colorado), that are dedicated to helping communities and the building industry provide safe, resilient, and sustainable construction through the development and use of model codes (I-Codes) and standards used in design, construction, and compliance processes. Most U.S. states and communities (including many Colorado communities), federal agencies, and many global markets choose the I-Codes to set the standards for regulating on- and off-site construction, major renovations, plumbing and sanitation, fire prevention, and energy conservation in the built environment.

In addition to model codes, ICC provides communities with tools to support the realization of their safety, resilience, sustainability, and affordable housing goals. These services include third-party plan review and inspection services for off-site construction (including tiny homes). ICC NTA has been engaged with the offsite construction industry for over 46 years, and during that time has inspected over 2 million homes and buildings. As an ISO accredited 3rd party agency, NTA's certified inspectors have performed inspections in all 50 states and many countries around the world. NTA has a long-standing relationship with Colorado's Division of Housing, helping to ensure compliance and safety for factory-built structures coming into the State of Colorado.

In Colorado and across the country, tiny homes are a growing segment of the housing stock. This testimony provides background on the approach to tiny home safety as adopted in the International Residential Code (IRC) and the Code Council’s recommendations for addressing tiny homes in Colorado.

First appearing in the 2018 IRC is Appendix Q – Tiny Houses (now Appendix AQ in the 2021 IRC, which lays out the requirements for tiny homes that differ from the provisions contained in the IRC. All other provisions of the IRC that are not specifically addressed in Appendix AQ apply to tiny homes. Appendix AQ was proposed by the tiny home industry, recognizing the importance of having a compliance pathway in the IRC parallel to requirements for other single family residential structures. As with all our model codes and standards, the opportunity to amend these provisions is open to any adopting jurisdiction, including Colorado. The Colorado Division of Housing has already adopted appendix Q of the 2018 IRC

Recognizing the growth in off-site construction (including tiny homes), ICC has also developed ICC/Modular Building Institute (MBI) Standard 1200-2021 and ICC/MBI Standard 1205-2021 to provide requirements for the design, fabrication and compliance processes for buildings or components that are built in locations other than the final building site and where inspection of the building or component at the final building site is not practical. These standards apply to tiny homes and a representative of the tiny homes industry was a member of the development committee. The standards largely mirror the statewide programs states like Colorado have implemented to regulate off-site construction.

We understand that the construction of tiny homes is growing to help address the affordability and availability of housing and the need for regulatory processes to ensure their safety. The IRC’s Tiny



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Homes Appendix and ICC/MBI 1200/1205 standards have been well-vetted and establish tiny home requirements that assure a sufficient level of safety, sustainability, and resilience consistent with other permanent and primary housing options. These codes/standards already exist and should be leveraged. Deviating from these established and well-vetted practices may result in lower quality housing, leaving Colorado residents unknowingly at risk.

We appreciate the efforts of the bill sponsor, Larimer County, and the Division of Housing through this legislation to establish a rulemaking process for tiny home construction. We support this effort but believe it should be tailored to ensure it leverages existing practices developed by the Code Council and in use within the Division for regulation of tiny homes and other off-site construction processes that can be applied to tiny homes. We look forward to working with the Division in rulemaking to establish specific requirements for tiny homes, noting the benefits of using existing, nationally developed requirements like the IRC to deliver timely and broadly accepted solutions.

As time progresses and off-site construction evolves to meet the needs of the Coloradans, ICC is prepared to provide necessary training and education to support this bill, the Division of Housing, the tiny house community, and those served. Furthermore, we welcome the opportunity to continue to work side by side with the Division of Housing in the development of the rules associated with this bill.

Please feel free to contact me via email or cell phone if you have any questions, concerns, or comments relative to this bill or anything else ICC related.

In closing, I respectfully ask for the Committees favorable report of HB 22-1242.

Sincerely,

Rich Anderson, CBO

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Janet Thome President
Tiny House Alliance USA
PO Box 121
Marlin, Wa. 98832
March 1st, 2020
Re: Colorado Tiny House Bill HB-1242

My name is Janet Thome. I am the President of Tiny House Alliance USA, a Washington State tax exempt 501 (c) 3 nonprofit charity. I am also leading the tiny house initiative with ASTM international to develop global standards for tiny houses. We have just received unanimous approval from COTCO, (Committees On Technical Committees Operations) to be granted a new technical committee for tiny houses. We have one final approval from the ASTM International Board.

ASTM international is one of the largest ANSI Accredited Standards Developers in the world. They have 140 technical committees that develop and maintain voluntary consensus standards. The ASTM Tiny House Committee will develop and maintain the standards indefinitely. We have gathered all the experts of the industry to assist in developing the standards. We are embracing regulation, and all the regulatory bodies are invited to help us develop standards they would approve and to create reciprocity between the states, and the countries that join us. 150 countries will have the opportunity to participate.

The approval of the ASTM Tiny House Committee is lining up with the Colorado Tiny House Bill and I foresee that Colorado will forge the legal path for tiny houses on wheels to be accepted as a legal dwelling and as a viable housing solution for attainable and affordable housing that other states can follow. This is crucial because out of state builders ship into Colorado, and consumers need to be able to leave Colorado and live in another state where tiny houses would also be legal.

At this time, tiny houses do not have their own classification or standards and most often they are built to RV standards, that RVIA is forced to lobby against when recreational vehicles are associated with housing.

ASTM Tiny House Committee Scope

The focus of this committee is the development and maintenance of voluntary consensus standards for tiny houses, with attention to safety, quality, uniformity, reliability, consumer confidence, and ethical business practices, including, but not limited to, best building practices, test methods, certification, a global quality assurance program, requirements and auditing of 3rd parties that provide plan review and inspect tiny houses, tiny house community developments, micro-grid utilities, and minimum construction requirements. The work of this committee will be coordinated with other ASTM technical committees and other national and international organizations having mutual or related interests.

Is A Tiny House On Wheels A Building Or A Vehicle?

The million dollar question is, what is a tiny house? There is an ongoing global debate to determine if tiny houses are buildings or vehicles. They are either and also both.

Do You Allow Tiny Homes? That question is the most asked question globally that the building and planning departments are being asked every single day.

Conflicting Tiny House Bills All Over The Country

All over the country there are conflicting bills and ordinances trying to broadly sweep the tiny house industry under established industries. At this time, tiny houses on wheels are called:

A manufactured home, an RV, a Modular, industrialized housing, movable tiny home, mobile tiny home, a thow, and a vehicular dwelling.

Tiny Houses Are A Solution To Affordable Housing

The lack of standards for tiny houses is contributing to the barriers for affordable housing. We have to develop as an industry, with the regulatory bodies our common language, construction standards that address all life, health, fire, and road safety, registration, titling, personal property, real property, foundations, certification, tiny house communities, and micro-grid utilities, how tiny houses are connected in clusters in a community, and more.

These steps will create uniformity.

I appreciate the great efforts of this tiny house bill and the open spirit in which the bill was written and presented to have dialogues with the tiny house industry. Special thanks to Representatives Cathy Kipp, and Tony Exum, and to Senators Joann Ginal, and Dennis Hisey. I also want to extend my gratitude for the contributions and the knowledge of Maulid Miskell, Interim Deputy Director, Division of Housing, and Eric Fried, Chief Building Official Of Larimer County who have spent countless hours answering questions about the bill and their willingness to find solutions for tiny houses.

We Envision a World Where Legislators, Building Code Officials, Builders, and Consumers No Longer Have to Weave the Mass Confusion of Conflicting Codes and Standards for Tiny Houses.

Sincerely, Janet Thome President

Tiny House Alliance USA

The Future Of Tiny Is Now!

**Second Regular Session Seventy-third General Assembly
STATE OF COLORADO INTRODUCED HOUSE BILL 22-1242**

House Committees Senate Committees
Transportation & Local Government

A BILL FOR AN ACT

CONCERNING THE REGULATION OF STRUCTURES THAT ARE MANUFACTURED AT A LOCATION THAT IS NOT AT THE SITE WHERE THE STRUCTURE IS OCCUPIED.

**HOUSE SPONSORSHIP Kipp and Exum,
SENATE SPONSORSHIP Ginal and Hisey,**

Written and Personal Testimony by:

Mike Schmidt, CEO Ensemble Ventures, LLC
and Co-Founder/General Manager of Veterans Support Solutions, L3c
Date: March 1, 2022

Written Testimony:

My name is Mike Schmidt and I am here on behalf of two organizations, as the founder and CEO of company Ensemble Ventures, LLC (a 21+year old business development consultancy located in Colorado Springs), and as the founder and General Manager of Veterans Support Solutions, L3c a low profit limited liability social impact company in Colorado Springs and Woodland Park focusing on Veteran Transition services to homeless veterans and investigating and developing new types of emergency and transitional supportive housing for Veterans called VSS/Villages.

In general, I am in favor of the creation of and initial introduction of House Bill 22-1242 that attempts to address the needs for affordable housing applying and amending existing manufactured housing and mobile home oversight rules that the state has been responsible for decades and amending and updating various rules and regulations surrounding Tiny Houses on wheels and/or foundations and how they are governed for their installations in both movable, or fixed contexts.

The current bill attempts to identify rule-making needs at the State level in a wide variety of areas to “fill-in” or create rules and regulations for the manufacture, sale, and installation of Tiny Homes, (where there are not currently in place local rules or authorities of jurisdiction addressing these needs). Many states today are introducing similar bills in an attempt to get in front of the enormous potential of Tiny Houses to become a leading solution to this countries housing shortage,

However, there are a number of areas of this bill that need further clarification to meet current industry needs, as well as legislative additions to the bill to accommodate Tiny Home Community development potentials in the future, (that are not addressed). Why? Because the solution to affordable housing lies not in the development or oversight of new building or installation codes, (they already exist such as ANSI, NFPA, and ICC and we see that the bill drafters have recognized them in this bill), but also to be open to new voluntary consensus standards that are being developed by the Tiny House industry today, (as in the new ASTM Tiny House Committee that is the final stages of formation and now also identified in this bill. What is needed is a change in thinking on how we build and certify new forms of affordable housing in communities at the local level, where the updating of local zoning and housing ordinances to accommodate the creation of private-property driven, and independent investor enabled creation of Tiny Home Communities, or Pocket Neighborhood's that create new communities of interest.

How can this be achieved?

Back in 2016 when I was retained by the THEN new Tiny Home Industry Association by its founder Rod Stambaugh, and a Blueprint 2.0 Grant from the State of Colorado in an alliance with THEN governor Hickenlooper as the first Business Development director, I was charged with leading an initiative to help define and refine Tiny House building codes and standards for our industry. This initial effort created a number of baseline concepts and ideas for the development of more flexible and universal codes and standards that are now being pursued in the new ASTM International Tiny House Committee that the committee has been briefed on and now has been included in this bill as a future code and standard reference.

What are these new baseline concepts? Let me explain.

The goal for our new ASTM International Tiny House Committee is the identification and adoption of existing building codes and best practice standards for housing construction that can be updated and enhanced through the creation of "Adaptable Community Codes and Standards" for the establishment of Tiny Home Communities is to create adaptable and site-appropriate Tiny Home building standards and safety protocols to protect lives and property for the universal production of and placement of Movable and Modular Tiny Homes both in the USA initially, and eventually to become a backbone standard for possible use internationally. The proposed legalized "placements" of Tiny Homes should include both ADU (Accessory Development Unit) allowed residential zones as well as in both publically and privately developed cluster communities or communities of interest on private property where specially adopted county or municipal land use and zoning codes have been established to allow their long-term use and occupancy. What we are proposing is a solution to affordable and attainable housing for millions of people who have been priced out of, and will never qualify for, the large and expensive "Market-Rate" housing stock being developed all across the country by a handful of developers operating in each market.

What are Adaptable Community Codes and Standards (ACCS) ?

- We would like to create a set of sustainable **“Community of Interest (COI) Housing Development Standards** for the creation of innovative Tiny Home Communities ranging in size from 5 Tiny Homes up to 30 Tiny Homes in “Cluster” configurations that can be accommodated in Infill, Suburban and Rural contexts, and meet all state and local health and safety zoning and ordinances for full time occupied dwellings.
- We would like to develop **"Sustainable Tiny Home Building Standards"** that can unify and codify the quality of Tiny Homes built across a wide base of builders to meet local health, safety, transport, installation, and energy efficiency standards that are often applied on a local basis. What we would like to do is develop a “Model Standard” that can be quickly adopted by State Code Agencies, County Regional Planning Departments, and Local municipalities and their local planning organizations. We believe this current Colorado Bill has the potential to initially address and potentially fulfill (with continued amendment’s) this much needed objective.
- Encourage local municipalities to adopt **“Creative Zoning and Ordinance Policies”** and procedures for the development of sustainable low-cost housing utilizing our flexible and adaptable housing development and model standards to create engaging, and vibrant communities.

It’s envisioned that this new “ACC Standard” will accommodate one or more Tiny Houses to be placed into a single or multi-family zoning in most municipalities as well as to be able to be upgraded to exist in a to-be-defined “Community of Interest (COI)” Housing Development Standard that we are proposing that is supported either by a private land-owner leasing “spaces” on their property for Tiny Houses to be located for permanent living, (through the creation of a self-sustaining privately funded and managed “Common Interest Cluster Community”) or through the deployment of Tiny Homes in a Community Land Trust (CLT) environment where a nonprofit holds land on behalf of a place-based community, while serving as the long-term steward for affordable housing, community gardens, civic buildings, commercial spaces and other community assets on behalf of a community.

Why I am encouraging the Legislature to support and continue to investigate the new building code references and new Voluntary Consensus Standards that are being developed by the new emerging ASTM International Tiny House Committee:

The focus of this committee is the development and maintenance of voluntary consensus standards for tiny houses, with attention to safety, quality, uniformity, reliability, consumer confidence, and ethical business practices, including, but not limited to, best building practices, test methods, certification, a global quality assurance program, requirements and auditing of 3rd parties that provide plan review and inspect tiny houses, tiny house community developments, micro-grid utilities, and minimum construction requirements. The work of this committee will be coordinated with other ASTM technical committees and other national and international organizations having mutual or related interests.

Mike Schmidt, Ensemble Ventures, LLC and Veterans Support Solutions, L3c - March 1, 2022

Thank you, Mister Chair, and members of the Committee, for considering this bill today and allowing us to speak in support of House Bill 22-1242. I am Larimer County Commissioner Jody Shadduck-McNally. I represent the people of Larimer County, and my district encompasses the southern portion of the county.

First, I would like to thank Representative Kipp for her leadership in spearheading this bill and Chair Exum, Senator Ginal and Senator Hise for sponsoring the bill in the house and the senate alongside Representative Kipp.

As you are well aware, housing attainability and affordability is often the most significant issue many of our community members are facing, not just in my community but across Colorado. Tiny homes are becoming an affordable option for a variety of reasons. Many people from recent college graduates to retirees are drawn to the minimalism, mobility, and accessibility that tiny houses can provide.

Unfortunately, without a regulatory structure for the permitting of tiny homes, we as county commissioners have our hand-tied when it comes to providing an allowance for tiny homes in our land use codes. This came to my attention when I had several community members living in my district come to me as they were being evicted from the mobile home communities where their tiny homes were currently residing. Without state law allowing for the safe and long-term residency of Tiny Homes, we have to treat these as temporary RVs. That leaves nowhere they can go.

The first obstacle we need to tackle to allow tiny homes in our land-use code is to find a way to regulate the manufacture and installation of these structures for public safety, similar to how we regulate manufactured homes, modular homes and RV-type vehicles.

HB22-1242 would provide us with the essential mechanism needed to increase our affordable housing toolkit with tiny homes.

Thank you for allowing us the opportunity to testify today in support of House Bill 22-1242. I would respectfully request that this committee vote in favor of this bill today.