



Coronavirus Health Order and Restrictions on Construction Frequently Asked Questions

April 6, 2020

On March 31, 2020, the Marin County Health Officer extended the [shelter-in-place order](#) ("Public Health Order") through May 3, 2020. Among changes made are additional restrictions placed on construction activities. With the exception of "essential" construction, most existing construction activities are suspended in order to reduce travel and human exposure consistent with the Public Health Order.

Essential construction is defined as:

1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure, such as telecommunications, utilities, public transportation;
2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
5. Shelters and temporary housing, but not including hotels or motels;
6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed.

The following are answers to commonly asked questions raised in response to the Public Health Order and its implications to existing construction projects in the unincorporated areas of Marin County.

1. May I finish construction of a new home, provided it is being built as my family's primary residence?

Under the original March 16th Public Health Order the answer was yes, new dwelling construction may be continued. However, while the March 31st REVISED Public Health Order is in effect, all construction to finish the dwelling, other than securing the site to a safe and stable condition, must be deferred until the Public Health Order is lifted or modified, *unless* it can be demonstrated that the new dwelling will qualify as a deed-restricted affordable housing unit.

2. May I finish my kitchen remodel?

You may complete the minimum work necessary to ensure that the construction area is safe and secure during the term established by the Public Health Order, including work necessary to provide a functioning sink, stove, and refrigerator. Please suspend all other work on the kitchen remodel.

3. May I finish my bathroom remodel?

You may continue the minimum necessary to ensure adequate sanitation. Otherwise, please suspend construction. You may do the minimum necessary to ensure that the construction area is safe and secure during the term established by the Public Health Order. Please contact us.

4. May I finish an Accessory Dwelling Unit or Junior Accessory Dwelling Unit?

Unless the ADU or JADU is a deed-restricted affordable housing unit, please suspend construction. You may do the minimum necessary to ensure that the construction area is safe and secure during the term established by the Public Health Order.

5. May I repair my deck?

Please suspend construction. You may continue work only if you can show that the repair is necessary to ensure that your home is safe or habitable and the repair cannot be reasonably delayed – for instance, if the deck is unsafe and provides the sole means of access to your home.

6. May I finish the roof repair on my house?

Maybe, but you would need to show that the work cannot be reasonably delayed and is needed to maintain habitability the house and that there are no temporary waterproofing measures available.

7. May I finish replacing the siding on my house?

Maybe, but you would need to show that the work cannot be reasonably delayed and is needed to maintain habitability of the house and that there are no temporary waterproofing measures available.

8. May I finish remodeling my house and build a small bedroom addition?

Please suspend construction, as an addition to a residence is not considered essential. You may do the minimum work necessary to ensure that the construction area is safe and secure during the term established by the Health Order.

9. May I repair my building's foundation?

No, unless you can show that delaying the work will make your residence uninhabitable or raises immediate health and/or safety concerns. Please contact us.

10. May I repair and/or rebuild a failing retaining wall?

In order to undertake the work, you will need to show that delaying the work will make your residence uninhabitable or raises immediately health and/or safety concerns. Please contact us.

11. May I remove and pour a new driveway or pathway because the existing one is uneven and a tripping hazard?

In order to undertake the work, you will need to show that this work is necessary and that there are no temporary measures that can be implemented (such as installing hazard tape) to allow the work to be postponed until after the order is lifted.

12. May I install a new roof-mounted photovoltaic system?

Not at this time Photovoltaic systems are not considered essential under the Public Health Order.

13. I'm replacing and repairing siding for an affordable housing development, which is one of the Essential Businesses that provide shelter for economically disadvantaged residents. May I continue work?

The Public Health Order allows construction or repair necessary to ensure that buildings containing Essential Businesses (e.g. grocery stores, banks, gas stations, restaurants with delivery/carry out, auto-repair, healthcare, education, etc.) and businesses that provide food, shelter, and social services for economically disadvantaged individuals, are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed. In this case, you will need to show that the repair cannot be reasonably delayed by installing temporary waterproofing and is needed to maintain habitability of the development.

We understand that the above answers do not cover all possible cases. Please contact the Building and Safety Division by email at: Buildinginspection@marincounty.org or phone at 415-473-6550 if you have questions regarding the applicability of the Public Health Order to your specific construction site.

Your urgent and sincere cooperation with the Public Health Order is thankfully appreciated by the management and staff of the Marin County Community Development Agency Building and Safety Division. Although you may be working on a small project that seems inconsequential, there are thousands of active building permits in Marin. For that reason, a collective effort to reduce travel and human exposure is essential to moving beyond the current shelter-in-place order and allowing construction to proceed as soon as possible.