

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3829

**AN URGENCY ORDINANCE ADOPTING AMENDMENTS TO SECTION 19.04.010
AND ADDING SECTION 19.04.071 WITHIN THE MARIN COUNTY CODE
PROVIDING BUILDING STANDARDS FOR EMERGENCY HOUSING AND/OR
EMERGENCY HOUSING FACILITIES DURING A DECLARED SHELTER CRISIS**

The BOARD OF SUPERVISORS OF THE COUNTY OF MARIN hereby ordains as follows:

SECTION I. FINDINGS.

The Board of Supervisors of the County of Marin makes the following findings.

1. California Government Code 8698.4 expressly provides authority for each California county to provide local standards for emergency housing and/or emergency housing facilities upon declaration of a shelter crises by the governing body of the county.

2. During a declared shelter crises, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety standards, procedures, and laws, a county may adopt by ordinance reasonable alternative standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crises.

3. An ordinance adopting reasonable local standards shall ensure that, at a minimum, the adopted standards meet the standards provided in California Building Code Appendix P, and California Residential Code Appendix AZ. Title 19 of the Marin County Code does not currently provide regulations or standards for emergency housing and/or emergency housing facilities.

4. This ordinance will adopt and provide the standards provided in California Building Code Appendix P, and California Residential Code Appendix AZ, to support emergency housing and/or emergency housing facilities during a declared shelter crisis, because strict compliance with state and local standards or laws currently in existence would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

5. The County of Marin is authorized by Government Code 8698.4 to adopt local standards for emergency housing and/or emergency housing facilities, and by Health and Safety Code 17958.7 and 18941.5 to adopt local amendments, additions or deletions to the California Building Standards Code when determined reasonably necessary by the Marin County Board of Supervisors because of local climatic, geological, topographical, or environmental conditions.

6. Government Code section 25123(d) authorizes the Board of Supervisors to adopt an ordinance as a urgency measure for the immediate preservation of the public peace, health, and safety provided it contains a declaration of the fact constituting the urgency and is passed by a four-fifths vote.

7. The Board of Supervisors makes certain findings in the resolution redeclaring a shelter crisis pursuant to Government Code section 8698.2 being adopted concurrently herewith, which findings are incorporated herein. Such findings include that the number of people experiencing homelessness in the County is significant, and the lack of shelter poses an acute, clear, and imminent threat to the health and safety of all people experiencing homelessness, including those residing in the County. These findings demonstrate that adopting this ordinance as an urgency measure, with immediate effect, is necessary for the immediate preservation of the public peace, health, and safety of the community.

8. The Marin County Community Development Agency is the designated enforcement authority for Title 19 of the Marin County Code. Through this ordinance, Title 19 will be amended to include building standards to support emergency housing and/or emergency housing facilities.

9. The Board of Supervisors of Marin County finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

10. Notice of this Ordinance was published pursuant to Government Code sections 50022.3, 6066, and 25124(b)(1), and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

SECTION II: AMENDMENTS TO TITLE 19.

NOW, THEREFORE, the Board of Supervisors of the County of Marin hereby ordains that the following portions of Marin County Code Title 19 (Marin County Building Code) are amended as follows:

Section 19.04.010 is amended to read as follows:

19.04.010 - Marin County Building Codes adopted.

Express findings: Pursuant to Health and Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds adoption of the following appendices are necessary because of local climatic, geological, and/or topographical conditions:

1. Adoption of Appendix C of the 2022 California Building Code regulating group U agricultural buildings is reasonably necessary because Marin's local climatic and topographical conditions (which have historically allowed for large-scale and varied agricultural uses to thrive) are requisite factors supporting our need for the added provisions contained in this appendix.
2. Adoption of Appendix P of the 2022 California Building Code providing for emergency housing is reasonably necessary because Marin's local climatic, topographical, and geological conditions increases the vulnerability of our aging housing stock to damage from known and future extreme weather, fire, slope-failure, and seismic events.
3. Adoption of Appendix AJ of the 2022 California Residential Code regulating existing buildings and structures is reasonably necessary because Marin's geology increases the vulnerability of our aging housing stock to damage from known local seismic activity;
4. Adoption of Appendix AQ of the 2022 California Residential Code regulating tiny houses is reasonably necessary because Marin's topographical conditions reduce the availability and viability of providing sufficient dwelling sites to respond to increased demand for housing;
5. Adoption of Appendix AR of the 2022 California Residential Code regulating light straw-clay construction is reasonably necessary because Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, prescribe the application of construction materials which are naturally resistant to wildland fire exposure;
6. Adoption of Appendix AS of the 2022 California Residential Code regulating strawbale construction is reasonably necessary because Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, prescribe the application of construction materials which are naturally resistant to wildland fire exposure;

7. Adoption of Appendix AU of the 2022 California Residential Code regulating cob construction (monolithic adobe) is reasonably necessary because Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, prescribe the application of construction materials which are naturally resistant to wildland fire exposure;
8. Adoption of Appendix AW of the 2022 California Residential Code regulating 3D-printed building construction is reasonably necessary because Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, prescribe the application of construction materials which are naturally resistant to wildland fire exposure.
9. Adoption of Appendix AZ of the 2022 California Residential Code providing for emergency housing is reasonably necessary because Marin's local climatic, topographical, and geological conditions increases the vulnerability of our aging housing stock to damage from known and future extreme weather, fire, slope failure, and seismic events.
10. Adoption of Division A4.6 (excluding Section A4.601.5 Tier 2) of the 2022 California Green Building Standards Code regulating Tier 1 compliance is reasonably necessary because of Marin's local topographical and environmental conditions insofar as the County of Marin is bordered by sea water on three sides, presenting a direct adverse local impact to potential sea level rise as the result of construction related contributions to climate change.

This title shall be known as the Marin County Building Code. The promotion of healthy, safe, and sustainable communities; the preservation of Marin's unique environmental heritage; and the welfare and meaningful participation of the people of the county of Marin and protection of the property situated therein require adopting the following codes:

- (1) The 2022 edition of the California Building Code, known as California Code of Regulations, Part 2 of Title 24, incorporating the 2021 edition of the "International Building Code" published by the International Code Council, including: Appendix C for group U agricultural buildings; and Appendix P for emergency housing; with exceptions, additions and deletions as provided in this title.

(2) The 2022 edition of the California Residential Code, known as California Code of Regulations, Part 2.5 of Title 24, incorporating the 2021 edition of the "International Residential Code" published by the International Code Council, including: Appendix AJ for existing buildings and structures; Appendix AQ for tiny houses; Appendix AR for light straw-clay construction; Appendix AS for strawbale construction; Appendix AU for cob construction (monolithic adobe); Appendix AW for 3D-printed building construction; and Appendix AZ for emergency housing; with exceptions, additions and deletions as provided in this title.

(3) The 2022 edition of the California Electrical Code, known as California Code of Regulations, Part 3 of Title 24, incorporating the 2020 edition of the "National Electrical Code" published by the National Fire Protection Association, with exceptions, additions and deletions as provided in this title.

(4) The 2022 edition of the California Mechanical Code, known as California Code of Regulations, Part 4 of Title 24, incorporating the 2021 edition of the "Uniform Mechanical Code" published by the International Association of Plumbing and Mechanical Officials, with exceptions, additions, and deletions as provided in this title.

(5) The 2022 edition of the California Plumbing Code, known as California Code of Regulations, Part 5 of Title 24, incorporating the 2021 edition of the "Uniform Plumbing Code" as published by the International Association of Plumbing and Mechanical Officials, with exceptions, additions, and deletions as provided in this title.

(6) The 2022 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title 24.

(7) The 2022 edition of the California Historical Building Code known as California Code of Regulations, Part 8 of Title 24.

(8) The 2022 edition of the California Existing Building Code, known as California Code of Regulations, Part 10 of Title 24, incorporating content from the 2021 edition of the "International Existing Building Code" published by the International Code Council.

(9) The 2022 edition of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title 24, including Division A4.6 for Tier 1, with exceptions, additions, and deletions as provided in this Title.

(10) The 2022 edition of the California Referenced Standards Code known as California Code of Regulations, Part 12 of Title 24.

(11) Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, with changes or modifications as provided in Chapter 19.20 of the Marin County Code.

(12) The 2021 edition of the International Property Maintenance Code, with exceptions, additions, and deletions as provided in this title.

Section 19.04.071 is added to read as follows:

19.04.071 – Emergency housing.

Express findings: Pursuant to Health and Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following modifications to Appendix P of the 2022 California Building Code and Appendix AZ of the 2022 California Residential Code are reasonably necessary to limit the application of these appendices to conform with the authority and provisions within Government Code Section 8698.4 and during a declaration of a shelter crisis by the Marin County Board of Supervisors:

Appendix Section P101.1 of the 2022 California Building Code (Title 24, Part 2, Volume 2), California Code of Regulations is hereby amended to read as follows:

P101.1 Scope. Application of this appendix shall be limited to the duration, terms, and locations specified in a duly declared shelter crisis by the Marin County Board of Supervisors in accordance with the authority and provisions provided within Government Code Section 8698.4. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section P102.

Appendix Section AZ101.1 of the 2022 California Residential Code (Title 24, Part 2.5), California Code of Regulations is hereby amended to read as follows:

AZ101.1 Scope. Application of this appendix shall be limited to the duration, terms, and locations specified in a duly declared shelter crisis by the Marin County Board of Supervisors in accordance with the authority and provisions provided within Government Code Section 8698.4. This appendix shall be applicable to emergency housing and emergency housing facilities, as defined in Section AZ102.

SECTION III: EFFECTIVE DATE

This ordinance is enacted pursuant to and in compliance with Health and Safety Code §17958, §17958.5, §17958.7 and §18941.5 and as expressly permitted in Government Code §25123 and §50022.2, and shall be, and is hereby declared to be, in full force and effect immediately upon enactment. In accordance with Government Code §25124(b)(1), within fifteen (15) days after adoption the Marin County Board of Supervisors Clerk shall publish a summary of this Ordinance, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin, and shall also post in the office of the Marin County Board of Supervisors a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance. A copy of this Ordinance shall be filed with the California Building Standards Commission and the California Department of Housing and Community Development complete with local findings for each local amendment to the California Building Standards Code.

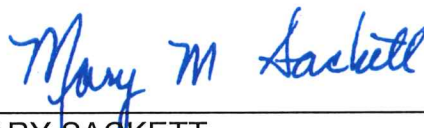
SECTION V: VALIDITY

If any section, subsection, sentence, clause, or phrase of the provisions depicted in this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The Board of Supervisors of Marin County hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases thereof shall be declared invalid.

SECTION VII: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 11th day of March 2025 by the following vote:

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| AYES: | Supervisors: | Mary Sackett, Stephanie Moulton-Peters, Dennis Rodoni, Brian Colbert |
| NOES: | None | |
| ABSTAIN: | None | |
| ABSENT: | Supervisor | Eric Lucan |



MARY SACKETT
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:


CLERK