



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Agenda Item _____ September 22, 2020

Chris Bazar
Agency Director

September 8, 2020

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Hayward, California
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Honorable Board of Supervisors
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Dear Board Members:

**SUBJECT: AMEND TEMPORARY MORATORIUM ON COMMERCIAL
EVICTIONS IN UNINCORPORATED ALAMEDA COUNTY**

www.acgov.org/cda

RECOMMENDATIONS

Amend the current urgency ordinance, extending a temporary moratorium on commercial evictions in unincorporated areas of the County of Alameda from September 30, 2020 to December 31, 2020.

SUMMARY/DISCUSSION:

The amended urgency ordinance providing a temporary moratorium on commercial evictions in the unincorporated areas of the County (Ordinance No. 2020-40) adopted by your Board on July 14, 2020 (Item No. 27) expires on September 30, 2020. On May 29, 2020, the Governor of the State of California issued Executive Order N-66-20 which extended to July 28, 2020 the pertinent portions of Executive Order N-28-20, thereby suspending any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions due to specified financial burdens caused by COVID-19. On June 30, 2020, the Governor issued Executive Order N-71-20 extending to September 30, 2020 the same pertinent portions of Executive Order N-28-20.

Businesses throughout the unincorporated area, including Castro Valley, San Lorenzo, Cherryland, Ashland, Fairview, and East County, continue suffering enormous losses in revenue caused by the need for the Shelter-in Place order. Although some business re-opening has occurred, many businesses are experiencing a near collapse in sales and have been forced to lay off workers or severely reduce their hours. Although many businesses have lost their sources of income, their fixed costs remain.

In addition to extending the protections of the moratorium to December 31, 2020, the key provisions of the moratorium remain unchanged:

1. **Noticing Requirements:** Tenants would be required to notify landlords of inability to pay rent within 15 days after the rent is due. Tenants must also provide documentation to their landlords that support claims of inability to pay due to the COVID-19 pandemic.

Examples of documentation include, without limitation: a statement signed under penalty of perjury that the inability to pay is due to a Covered Reason for Delayed Payment as defined herein; documents showing reduced business income; and correspondence by a business owner citing COVID-19 as a basis for reduced business hours or business closure. Any financial information provided to the landlord shall be held in confidence, and only used for evaluating a tenant's claim.

2. Repayment Period: Tenants would have a minimum of 90 days from December 31, 2020 to pay rent that has not been paid. It also specifies that landlords cannot charge late fees or assess other penalties for unpaid rent.

Finally, this ordinance provides that no landlord may evict a commercial tenant in the unincorporated area of the County, require a commercial tenant to vacate their premises, or retaliate against a commercial tenant for nonpayment of their rent. Violation of this ordinance is an absolute defense to any unlawful detainer action or other proceeding to recover possession of the residence. Violation of this ordinance is considered a misdemeanor. Landlords that willfully fail to comply are subject to a fine of \$1,000 per violation and may be subject to civil proceedings.

FINANCING:

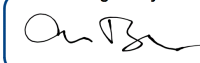
There will be no impact to net county cost as a result of this action.

VISION 2026 GOAL:

A commercial eviction moratorium for the unincorporated areas of the County meets the 10X goal pathway of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Community**.

Very truly yours,

DocuSigned by:



Chris Bazal, Director

Community Development Agency

cc: Each member, Board of Supervisors
Susan S. Muranishi, County Administrator
Melissa Wilk, Auditor-Controller
Donna R. Ziegler, County Counsel
Heather Littlejohn, Office of the County Counsel
Jennifer Schulz, County Administrator's Office
Sandra Rivera, Community Development Agency

ORDINANCE NO. O-2020-51

**AN URGENCY ORDINANCE AMENDING ORDINANCE NO. O-2020-22, AS AMENDED BY
ORDINANCE NO. O-2020-40, TO MODIFY THE TEMPORARY MORATORIUM ON
COMMERCIAL EVICTIONS RESULTING FROM LOSS OF BUSINESS INCOME DUE TO
COVID-19 IN THE UNINCORPORATED AREA OF THE COUNTY OF ALAMEDA**

SECTION I

1. In enacting this ordinance, the Board of Supervisors of the County of Alameda hereby reaffirms and incorporates by this reference the findings contained in Section I of Ordinance Nos. O-2020-22 and O-2020-40.

SECTION II

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

This urgency ordinance hereby amends Ordinance No. O-2020-22 of the uncodified Alameda County Ordinance Code adopted by the Board of Supervisors on September 22, 2020, as amended by Ordinance No. O-2020-40 adopted on July 14, 2020, as follows:

In Section 3.A., "September 30, 2020" is hereby deleted and replaced with "December 31, 2020".

In Section 3.D., "September 30, 2020" is hereby deleted and replaced with "December 31, 2020".

SECTION III

Pursuant to Government Code Section 25123, subdivision (d), this measure is declared to be an urgency ordinance, to take effect and be in force immediately upon its passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for an against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 22nd day of September 2020, by at least four-fifths vote, by the following called vote:

AYES: Supervisors Carson, Chan, Haggerty, Miley, & President Valle

NOES: None

EXCUSED: None

ABSTAINED: None



RICHARD VALLE
President of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

BY: Melissa Sydman
Deputy Clerk

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

DocuSigned by:
BY: Heather Littlejohn
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Heather Littlejohn
Deputy County Counsel