

ORDINANCE NO. O-2021-_____

**AN URGENCY ORDINANCE AMENDING ORDINANCE NO. O-2020-22, AS AMENDED BY
ORDINANCE NOS. O-2020-40, O-2020-51, O-2020-64, AND O-2021-15 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, O-2020-40, O-2020-51, O-2020-64, and O-2021-15; and
2. On June 11, 2021, the Governor of the State of California issued Executive Order N-08-21 which extended to September 30, 2021 the portions of Executive Order N-28-20 concerning commercial evictions, 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 commercial evictions due to specified financial burdens caused by COVID-19; and
3. The Board of Supervisors has adopted various extensions of this Ordinance to align with the expiration of the Governor's Executive Orders, and finds that it is in the public interest to continue to align with the timelines of the Governor's orders, as amended from time to time, for consistency, certainty, and efficiency; and
4. The Board of Supervisors finds that the public health, safety and welfare impacts, including the economic impacts, of the COVID-19 pandemic have been severe, continue today, and will continue into the future for many commercial tenants within the unincorporated area of the County; and
5. The Board of Supervisors finds that the protections of this Ordinance should remain in place without interruption from its first enactment on April 21, 2021 through the end of the protections offered by the Governor's Executive Order N-28-20, as amended from time to time; and
6. Therefore, to avoid any interruption in the protections enacted by this Ordinance, the Board of Supervisors declares that this extension of the Ordinance is intended to and shall apply retroactively to June 30, 2021.

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 April 21, 2020, as amended by

Ordinance No. O-2020-40 adopted on July 14, 2020, Ordinance No. O-2020-51 adopted on September 22, 2020, Ordinance No. O-2020-64 adopted on December 8, 2020, and Ordinance No. O-2021-15 adopted on March 23, 2021, as follows:

In Section 3.A., “Beginning on the effective date of this ordinance and continuing until June 30, 2021” is hereby deleted and replaced with “Beginning on April 21, 2021 and continuing each day without interruption until September 30, 2021”.

In Section 3.D., “before June 30, 2021” is hereby deleted and replaced with “on or before September 30, 2021.”

Add as new Section 3.E.: “If the Governor of the State of California extends the protections of Executive Order N-28-20, Paragraph 2, beyond September 30, 2021, then the September 30, 2021 dates in subsections A and D of this section shall be automatically extended to the expiration of said Paragraph 2.”

Section 7.B. is deleted and replaced with: “B. Affected Tenants shall have a minimum of ninety (90) days after the effective period in Sections 3.A. and D. (subject to Section 3.E.) or ninety (90) days from the date the Local Health Emergency is no longer in effect, whichever is sooner, to pay rent that has not been paid during effective period in Sections 3.A. and D (subject to Section 3.E). In no event shall the ninety (90) day period begin on or before July 13, 2021.”

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 and 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 13th day of July, 2021 by at least four-fifths vote, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

Keith Carson
President of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

BY: _____
Deputy Clerk

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

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