



1 provide employment and so that economic recovery is possible after the emergency is over, all of  
2 which are in the interest of the public peace, health, safety and welfare.

3 G. The City Council desires to extend the commercial and residential eviction  
4 moratorium to prevent uncertainty and confusion for tenants associated with multiple state and  
5 county regulations governing evictions during the COVID-19 pandemic and to provide certainty  
6 for tenants on the processes in place to repay deferred rent

7 H. This Ordinance is adopted pursuant to the City's police powers and powers  
8 afforded to the city in the time of a national, state, county and local emergency during an  
9 unprecedented health pandemic, such powers being afforded by the State Constitution, State law  
10 and Section 2-16 of the Albany Municipal Code to protect the peace, health, and safety of the  
11 public. The Albany City Council finds that this ordinance is necessary for the preservation of the  
12 public peace, health, and safety of businesses and workers working within the City and finds  
13 urgency to approve this ordinance immediately based on the facts described herein and detailed in  
14 the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for  
15 the protection of health, life and property.

16  
17 **SECTION 2. MORATORIUM EXTENSION**

18 Section 9 (DURATION; SUSPENSION) of Ordinance 2020-03, as amended by  
19 Ordinance No. 2020-06, is amended to read as follows:

20 "In accordance with the Governor of the State of California's  
21 Executive Orders N-28-20, N-66-20, and N-71-20, Ordinance No.  
22 2020-03 shall remain in effect until September 30, 2020. In order to  
23 prevent inconsistencies, the Director of Emergency Services may  
24 suspend the effectiveness of any provision in this ordinance in the  
25 event that the President of the United States, Congress, Governor of  
26 the State of California or California State Legislature or other body  
27 with jurisdiction adopts an order or legislation that similarly prohibits  
28 evictions for failure to pay rent by individuals impacted by the  
COVID-19 crisis."

1 **SECTION 3. EFFECT.**

2 Except as provided by Section 2 of this Ordinance, all provisions of Ordinance No. 2020-  
3 03, as amended by Ordinance No. 2020-06, shall remain in full force and effect.

4  
5 **SECTION 4. SEVERABILITY.**

6 If any section, subsection, sentence, clause, phrase or word of this ordinance is found to be  
7 unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall  
8 not affect the remaining provisions of this Ordinance.

9  
10 **SECTION 5. ENVIRONMENTAL REVIEW.**

11 The City Council finds that adoption and implementation of this ordinance is not a  
12 “project” for purposes of the California Environmental Quality Act (CEQA), as that term is  
13 defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of  
14 the proposed amendment will be to maintain the status quo and extend the existing urgency  
15 ordinance for an additional two months. No new development will result from the proposed  
16 action. No impact to the physical environment will result. The City Council also alternatively  
17 finds that the adoption and implementation of this ordinance is exempt from the provisions of  
18 CEQA as an administrative activity by the City of Albany, in furtherance of its police power, that  
19 will not result in any direct or indirect physical change in the environment, per sections  
20 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section  
21 15064(e) (economic regulations).

22  
23 **SECTION 6. URGENCY DECLARATION; EFFECTIVE DATE.**

24 The City Council finds and declares that the adoption and implementation of this  
25 ordinance is necessary for the immediate preservation and protection of the public peace, health  
26 and safety as detailed above and as the City and public would suffer potentially irreversible  
27 displacement of residential and commercial tenants and loss of employment resulting from  
28

1 evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, it is  
2 essential to avoid unnecessary housing displacement, to protect the City's affordable housing  
3 stock, and to prevent housed individuals from falling into homelessness during a time of public  
4 health crisis and abnormal economic conditions, especially given state and county directives to  
5 stay at home. In the interest of protecting the public health and preventing transmission of  
6 COVID-19, it is essential to avoid unnecessary loss of business and jobs which could lead to  
7 housed individuals falling into homelessness during a time of abnormal economic conditions.  
8 Promoting stability amongst commercial tenancies is also conducive to public health by allowing  
9 businesses to follow the advice and directives of public health officials to close or limit operations  
10 and allowing employees to avoid or limit public contact during times of a public health crisis  
11 without fear of imminent eviction or foreclosure. Loss of income as a result of COVID-19 may  
12 inhibit City residents and businesses from fulfilling their financial obligations, including payment  
13 of rent. The length of the period of federal, state and local emergency is unknown at this time and  
14 it is prudent to revisit these emergency response measures as the unprecedented situation and  
15 legal landscape evolve. By extending the Local Eviction Moratorium Ordinance through  
16 September 30, 2020 the City Council desires to provide stability for residential and commercial  
17 tenants while orders of the Alameda County Public Health Officer continue to mandate  
18 significant limitations and closures of businesses and to provide certainty to landlords on the  
19 processes in place to repay deferred rent after the initial period of moratorium. The Urgency  
20 Ordinance is already in place and these amendments require immediate action so the ordinance  
21 does not expire. Under Government Code Section 8634 and Section 2-16 of the Albany  
22 Municipal Code, this ordinance is necessary to provide for the protection of life and property for  
23 the reasons set out herein. The Council therefore finds and determines that the immediate  
24 preservation of the public peace, health and safety, and protection of life and property, require  
25 that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section  
26 36937 and take effect immediately upon adoption by four-fifths of the City Council.

1 **SECTION 7. CERTIFICATION**

2 The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause  
3 the same, or the summary thereof, to be published or posted in the manner required by law.

4  
5 PASSED, APPROVED AND ADOPTED this 20th day of July 2020.

6  
7 AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

8 NOES:

9 ABSENT:

10 ABSTAIN:

11

12

13

  
\_\_\_\_\_  
NICK PILCH, MAYOR

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## **ORDINANCE NO. 2020-12**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF

ALBANY, The 20th day of July, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

21st day of July, 2020.

Anne Hsu  
CITY CLERK