



1           D.       On September 23, 2020, the California Governor issued Executive Order N-80-20  
2 extending the timeframe for the protections in Executive Order N-28-20, Paragraph 2 (previously  
3 extended via Executive Order N-66-20 and by Executive Order N-71-20), thereby extending  
4 authorization for local governments to limit evictions for commercial tenants impacted by the  
5 COVID-19 pandemic through March 31, 2021.

6           E.       The unemployment rates in Alameda County have increased dramatically due to  
7 the COVID-19 pandemic. According to the California Employment Development Department,  
8 Alameda and Contra Costa Counties' unemployment rate in August 2020 was 9.8 percent, above  
9 the year-ago estimate of 3.2 percent.

10          F.       The City Council desires to extend the Albany commercial eviction moratorium  
11 provisions of Urgency Ordinance Nos. 2020-03, 2020-06 and 2020-12 to prevent widespread  
12 unemployment and loss of business during the COVID-19 pandemic, which could increase  
13 homelessness, loss of health care among workers, and further the spread of COVID-19.

14          E.       Public health is served by allowing businesses to follow the public health orders to  
15 close or limit operations without fear of imminent eviction.

16          F.       The City Council desires to maintain economic infrastructure so that all businesses  
17 have the ability to recover from the impacts of the COVID-19 pandemic outbreak and continue to  
18 provide employment and so that economic recovery is possible after the emergency is over, all of  
19 which are in the interest of the public peace, health, safety and welfare.

20          G.       This Ordinance is adopted pursuant to the City's police powers and powers  
21 afforded to the city in the time of a national, state, county and local emergency during an  
22 unprecedented health pandemic, such powers being afforded by the State Constitution, State law  
23 and Section 2-16 of the Albany Municipal Code to protect the peace, health, and safety of the  
24 public. The Albany City Council finds that this Ordinance is necessary for the preservation of the  
25 public peace, health, and safety of businesses and workers working within the City and finds  
26 urgency to approve this Ordinance immediately based on the facts described herein and detailed  
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1 in the staff report. Under Government Code Section 8634, this Ordinance is necessary to provide  
2 for the protection of health, life and property.

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4 **SECTION 2. DURATION; SUSPENSION**

5 Section 9 of Ordinance No. 2020-03, as amended by Ordinance Nos. 2020-06 and  
6 2020-12, is amended to read as follows:

7 “Section 3, Section 6, Section 8 and Section 9 of Ordinance No.  
8 2020-03, as amended, shall remain in effect until March 31, 2021. In  
9 order to prevent inconsistencies, the Director of Emergency Services  
10 may suspend the effectiveness of any provision in this Ordinance in  
11 the event that the President of the United States, Congress, Governor  
12 of the State of California or California State Legislature or other body  
with jurisdiction adopts an order or legislation that similarly prohibits  
evictions for failure to pay rent by individuals impacted by the  
COVID-19 crisis.”

13 **SECTION 3. EFFECT.**

14 Except as provided by Section 2 of this Ordinance, all remaining provisions of Ordinance  
15 No. 2020-03, as amended by Ordinance Nos. 2020-06 and 2020-12, shall lapse and be of no  
16 further force or effect as of September 30, 2020.

17 **SECTION 4. SEVERABILITY.**

18 If any section, subsection, sentence, clause, phrase or word of this Ordinance is found to  
19 be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision  
20 shall not affect the remaining provisions of this Ordinance.  
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22 **SECTION 5. ENVIRONMENTAL REVIEW.**

23 The City Council finds that adoption and implementation of this Ordinance is not a  
24 “project” for purposes of the California Environmental Quality Act (CEQA), as that term is  
25 defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of  
26 the proposed amendment will be to maintain the status quo and extend the existing commercial  
27 eviction moratorium for an additional six months consistent with Executive Order N-80-20. No  
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1 new development will result from the proposed action. No impact to the physical environment  
2 will result. The City Council also alternatively finds that the adoption and implementation of this  
3 Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of  
4 Albany, in furtherance of its police power, that will not result in any direct or indirect physical  
5 change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines,  
6 as well as CEQA Guidelines section 15064(e) (economic regulations).

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8 **SECTION 6. URGENCY DECLARATION; EFFECTIVE DATE.**

9         The City Council finds and declares that the adoption and implementation of this  
10 Ordinance is necessary for the immediate preservation and protection of the public peace, health  
11 and safety as detailed above and as the City and public would suffer potentially irreversible  
12 displacement of commercial tenants and loss of employment resulting from evictions for failure  
13 to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of  
14 protecting the public health and preventing transmission of COVID-19, it is essential to avoid  
15 unnecessary loss of business and jobs which could lead to housed individuals falling into  
16 homelessness during a time of abnormal economic conditions, especially given state and county  
17 directives to stay at home. Promoting stability amongst commercial tenancies is also conducive to  
18 public health by allowing businesses to follow the advice and directives of public health officials  
19 to close or limit operations and allowing employees to avoid or limit public contact during times  
20 of a public health crisis without fear of imminent eviction or foreclosure. Loss of income as a  
21 result of COVID-19 may inhibit City residents and businesses from fulfilling their financial  
22 obligations, including payment of rent. The length of the period of federal, state and local  
23 emergency is unknown at this time and it is prudent to revisit these emergency response measures  
24 as the unprecedented situation and legal landscape evolve. By extending the Local Commercial  
25 Eviction Moratorium Ordinance through March 31, 2021 the City Council desires to provide  
26 stability for commercial tenants while orders of the Alameda County Public Health Officer  
27 continue to mandate significant limitations and closures of businesses and to provide certainty to  
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1 landlords on the processes in place to repay deferred rent after the initial period of moratorium.  
2 These amendments require immediate action so that commercial eviction protections do not  
3 expire. Under Government Code Section 8634 and Section 2-16 of the Albany Municipal Code,  
4 this Ordinance is necessary to provide for the protection of life and property for the reasons set  
5 out herein. The Council therefore finds and determines that the immediate preservation of the  
6 public peace, health and safety, and protection of life and property, require that this Ordinance be  
7 enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect  
8 immediately upon adoption by four-fifths of the City Council.

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10 **SECTION 7. CERTIFICATION**

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

13  
14 PASSED, APPROVED AND ADOPTED this 5th day of October 2020.

15  
16  
17 AYES: Council Members Barnes, Maass, McQuaid, Nason, and Mayor Pilch

18 NOES:

19 ABSENT:

20 ABSTAIN:

21  
22  
23   
24 \_\_\_\_\_  
25 NICK PILCH, MAYOR  
26  
27  
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# City of Albany

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**ORDINANCE NO. 2020-13**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF  
ALBANY, The 5th day of October, 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  
6th day of October, 2020.

Anne Hsu  
CITY CLERK