



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Agenda Item \_\_\_\_\_ June 30, 2020

Chris Bazar

Agency Director

June 25, 2020

224 West Winton Ave

Honorable Board of Supervisors  
Administration Building  
1221 Oak Street, Suite 536  
Oakland, California 94612

Room 110

Hayward, California

Dear Board Members:

94544-1215

**SUBJECT: EXTEND THE COUNTYWIDE TEMPORARY MORATORIUM ON RESIDENTIAL EVICTIONS (REGULAR ORDINANCE)**

phone

**RECOMMENDATION:**

510.670.5333

Amend the subject ordinance to extend a temporary moratorium on evictions in the County of Alameda, from July 20, 2020 to September 30, 2020.

fax

510.670.6374

**SUMMARY/DISCUSSION:**

www.acgov.org/cda

On June 23, 2020, your Board adopted a regular ordinance providing a temporary moratorium on evictions in the County (Item No. 21). At that meeting, there was discussion by Board members of extending the end date of the moratorium's protections, and staff was directed to bring back a draft that addressed this matter.

Therefore, for consideration by your Board today, staff has prepared an amended County-wide regular ordinance which has an extended expiration date of September 30, 2020.

**FINANCING:**

There will be no increase in net County cost as a result of this action.

**VISION 2026 GOAL:**

A moratorium on residential evictions will support the overarching vision of **Thriving and Resilient Population** and the 10X goal of **Eliminating Homelessness** by ensuring all residents' basic needs are met, including facilitating access to and retention of safe, stable housing while building resiliency and self-sufficiency among vulnerable populations.

Very truly yours,

DocuSigned by:

Chris Bazar, Director

Community Development Agency

Board of Supervisors

June 25, 2020

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Attachment A: Proposed Amended Ordinance

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-\_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 6.120.030 AND 6.120.040 OF THE ALAMEDA COUNTY ORDINANCE CODE TO EXTEND THE TEMPORARY MORATORIUM ON RESIDENTIAL EVICTIONS IN THE COUNTY OF ALAMEDA UNTIL SEPTEMBER 30, 2020**

**SECTION I**

In enacting this ordinance, the Board of Supervisors of the County of Alameda, State of California hereby reaffirms and incorporates by this reference the findings contained in Section I of Ordinance No. O-2020-32.

**SECTION II**

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

Sections 6.120.030 and 6.120.040 of Chapter 6.120 of the Alameda County Ordinance Code, respectively, are hereby amended to read as follows:

**6.120.030 - Moratorium on Evictions During Local Health Emergency.**

- A. Beginning on the effective date of this ordinance and continuing until September 30, 2020, the County hereby places a moratorium on all evictions from Residential Units in the unincorporated and incorporated areas of the County, subject to the exceptions stated below.
- B. No Landlord or Lender may evict a Resident, or otherwise require a Resident to vacate a Residential Unit, or retaliate against a Resident, while this section is in effect.
- C. Violation of this ordinance is an affirmative defense to any unlawful detainer action or other proceeding to recover possession of a Residential Unit.
- D. It shall be an absolute defense to any unlawful detainer action against a Resident that the Notice of Termination was served or expired, or that the complaint was filed or served, on or after March 24, 2020 and on or before September 30, 2020, subject to the exceptions stated below. This defense may be raised at any time, including after the end of the Local Health Emergency and after the expiration of this ordinance stated in Section III, provided the notice or complaint at issue in the unlawful detainer action was filed or served during the period stated in this subsection.
- E. Notwithstanding any lease provision to the contrary, no late fees, fines or interest may be imposed for rent that became due during the effective period for this section.

F. Exceptions. The Landlord or Lender claiming that their proposed eviction is not prohibited by this ordinance shall have the burden of proving that one or more of the exceptions applies. The provisions of this section shall not apply in the following circumstances, which must be stated by in the Notice of Termination and the complaint as the grounds for the eviction:

- 1) A Landlord is taking the Residential Unit off of the residential rental market in accordance with Government Code sections 7060, *et seq.* (Ellis Act) and in compliance with any applicable local ordinances.
- 2) The Residential Unit must be vacated to comply with an order issued by a government agency or court.
- 3) Continued occupancy by the Resident poses an imminent threat to health or safety. For the purposes of this ordinance, the basis for this exception cannot be the Resident's COVID-19 illness or exposure to COVID-19, whether actual or suspected.

**6.120.040 - Moratorium on Evictions Based on Nonpayment Caused by COVID-19.**

- A. Beginning on the effective date of this ordinance and continuing until September 30, 2020, the County hereby places a moratorium on evictions from Residential Units in the unincorporated and incorporated areas of the County resulting from a substantial loss of income, substantial out-of-pocket medical expenses, or extraordinary child care needs, any of which are caused by COVID-19.
- B. No Landlord or Lender may evict an Affected Resident, or otherwise require an Affected Resident to vacate a Residential Unit or retaliate against an Affected Resident for nonpayment of rent or mortgage payments or for nonpayment of late fees, fines or interest based on nonpayment, while this ordinance is in effect.
- C. Violation of this ordinance is an affirmative defense to any unlawful detainer action or other proceeding to recover possession of a Residential Unit.
- D. It shall be an absolute defense to any unlawful detainer action against an Affected Resident based on a failure to timely make rent or mortgage payments that the Notice of Termination was served or expired, or that the complaint was filed or served, on or after March 24, 2020 and on or before September 30, 2020. This defense may be raised at any time, including after the end of the Local Health Emergency and after the expiration of this ordinance stated in Section III, provided the notice or complaint at issue in the unlawful detainer action was filed or served during the period stated in this subsection.
- E. Notwithstanding any lease provision to the contrary, no late fees, fines or interest may be imposed for rent that became due during the effective period for this section, if the rent was late due to a Qualifying Loss.

**SECTION III**

This ordinance shall be in force thirty (30) days after 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 \_\_\_\_ day of July, 2020, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

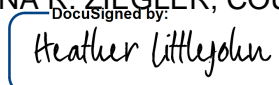
\_\_\_\_\_  
RICHARD VALLE  
President of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors,

By: \_\_\_\_\_  
Deputy Clerk

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

By:  \_\_\_\_\_  
Heather Littlejohn  
Deputy County Counsel