4:30 p.m.

SPECIAL MEETING

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE
   Council Member Nason led the Pledge of Allegiance.

2. ROLL CALL
   Present: Council Members Barnes, Maass and Nason, Vice Mayor McQuaid, Mayor Pilch
   Absent: None

3. MAYOR'S STATEMENT AND STATEMENTS BY THE MEMBERS OF THE ALBANY CITY COUNCIL REGARDING THE COVID-19 PANDEMIC
   Council Members provided statements regarding the COVID-19 pandemic.

4. CITY MANAGER REPORT
   City Manager Nicole Almaguer recognized all City staff for their continued commitment to service. Staff is working with the County of Alameda to ensure the continuity of local government and the well-being of the community. Staff is focusing on serving those in need through the Albany CARES Program, the Senior Center, and the hotline and on providing information via the City website, e-notifications, and signage. Ten homeless individuals have been housed. The meal and grocery delivery service is ongoing.

5. PUBLIC HEARING

   5-1. Urgency Ordinance of the City of Albany City Council Enacting a Temporary Moratorium on Foreclosures, Evictions, and Rent Increases

   Staff recommendation: that the Council adopt Urgency Ordinance No. 2020-03 entitled: An urgency ordinance of the City Council of the City of Albany enacting a temporary moratorium on foreclosures and evictions due to nonpayment of rent and rent increases for certain residential and commercial tenants impacted by the Novel Coronavirus (COVID-19).

   City Attorney Mala Subramanian presented the staff report. The City declared a local emergency on March 16, 2020. On March 19, 2020, Governor Newsom issued an Executive Order authorizing local agencies to impose substantial limitations on residential and commercial evictions. Staff has prepared a draft urgency ordinance for the Council's consideration. An urgency ordinance takes effect immediately and requires a four-fifths vote in support by the Council. On March 24, 2020, the County of Alameda adopted an urgency ordinance that applies to residential tenants in unincorporated areas of the county. The proposed ordinance prohibits residential and commercial evictions if tenants notify landlords within 30 days of the rent due date of their inability to pay rent because of the financial impacts of COVID-19. Staff has suggested a definition of financial impacts. The proposed ordinance does not relieve residential and commercial tenants from the liability of paying rent but defers the obligation for six months from expiration of the local emergency. Landlords may not charge a late fee. Payment plans are encouraged. In compliance with the Executive Order, the proposed ordinance suspends...
foreclosures. Many banks and credit unions have committed to a 90-day deferral of mortgage payments. Based on Governor Newsom's actions, the Council does not have to require the suspension of mortgage payments. The proposed ordinance prohibits rent increases during the local emergency. Again, the proposed ordinance does not relieve the obligation to pay a rent increase but defers payment for six months from expiration of the local emergency. Properties exempt under State law are included in the proposed ordinance. The proposed ordinance will expire May 31, 2020, which is the term referenced in the Executive Order.

A summary of public comments is as follows: support for adoption of the urgency ordinance; opposition to adoption of the urgency ordinance; a question about a moratorium on property taxes; support for a rent moratorium without an obligation to pay the rent; a suggestion to create or expand a rent relief fund.

A summary of Council comments is as follows: support for adoption of the proposed urgency ordinance but a preference to prohibit rent increases during the local emergency; residential and commercial tenants may not be able to pay deferred rent payments; landlords and tenants need to communicate; concern that local, county, State, and Federal emergency ordinances may conflict; only the State has the authority to defer the payment of property taxes; page 2 line 18 should be "counties of the Bay Area consisting of;" gig workers may have difficulty documenting their income decrease, and loose evidentiary standards may be needed; Section 4 on page 8 does not specify a time period to pay deferred mortgage payments; the proposed ordinance expires on May 31, 2020, but the local emergency ordinance expires on May 15 or 16; public comments appear to prefer a State or County urgency ordinance; a suggestion to include a policy statement that the Council not only adopts the proposed ordinance but also encourages the County of Alameda and the State of California to adopt ordinances for the entire jurisdictions; waiving tenants' payment of deferred rents is not fair to landlords; many people lost their incomes with implementation of the Shelter in Place order and are burdened; questions about the applicability of a County order to incorporated areas of the county and conflicts between the City's ordinance and a County ordinance.

**MOTION:**
Moved by Vice Mayor McQuaid, seconded by Council Member Nason, to adopt Urgency Ordinance No. 2020-03, entitled An Urgency Ordinance of the City Council of the City of Albany Enacting a Temporary Moratorium on Foreclosures and Evictions Due to Nonpayment of Rent and Rent Increases for Certain Residential and Commercial Tenants Impacted by the Novel Coronavirus (COVID-19) with revisions discussed during the meeting.

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

**NOES:** None

Motion carried and so ordered.

6. **FUTURE AGENDA ITEMS**

Council Member Nason requested agenda items regarding continued operations at Golden Gate Fields and additional relief for individuals and businesses.

Mayor Pilch requested an agenda item regarding property taxes if the State and/or County does not take action.
7. ADJOURNMENT

6:08 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Nick Pilch
Mayor

Attest:

Anne Hsu, City Clerk