

COMMITTEE MEMBERS

Edi E. Birsan, Chair
Timothy A. McGallian, Member

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



Concord
ANNOTATED AGENDA
Meeting of the
Housing & Economic
Development
Committee

Tuesday,
November 17, 2020

5:30 p.m.

various
telephonic/electronic
locations

The Contra Costa County Health Department has ordered individuals in Contra Costa County to “shelter in place”. The California Department of Public Health issued its “Mass Gatherings Guidance on Novel Coronavirus or COVID-19” followed by a recommendation that certain gatherings in California be postponed or canceled. The Governor of the State of California issued Executive Order N-25-20 which, among other things, orders that all California residents are to “. . . heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19” and pursuant to Executive Order N-33-20 has ordered all individuals in California to stay home or at their place of residence with very limited exceptions. That means residents must obey State, County, and City of Concord rules and guidelines.

City of Concord Rules: The City of Concord has declared a local state of emergency due to COVID-19 and is closed to the public. This Committee meeting is an essential event; therefore, it has not been cancelled. However, City of Concord officials and staff will conduct this meeting telephonically or otherwise electronically. The City will **not** make available any physical location from which members of the public may observe the meeting and offer public comment. Instead, members of the public may observe and address the meeting remotely. Below is information on how to do that.

Join from a PC, Mac, iPad, iPhone or Android device:

<https://cityofconcord.zoom.us/j/99089250287?pwd=aXdqdi9KanNNZHUxT0ZuTjI2S0ZsQT09>

Webinar ID: 990 8925 0287

Passcode: 423521

By phone: US: +1 669 900 6833

How to Submit Public Comments:

Written: All comments received **before 3:00 pm the day of the meeting** will be posted on the City's website as "Correspondence" under the relevant agenda item and provided to the Committee members prior to the meeting. Please email your comments to cityclerk@cityofconcord.org.

- If you are commenting on a particular **item on the agenda**, please identify the agenda item number and letter.
- If you are commenting on an **item not listed on the agenda**, please identify your comment as a General Public Comment.

To Participate in Public Comment During the Meeting:

Staff Reads Your Comments Aloud: **When the Chair opens the public comment period for the relevant agenda item**, please email your comments to cityclerk@cityofconcord.org. Prominently write "Read Aloud at Meeting" at the top of the email and your comments will be read into the record (not to exceed three minutes at staff's cadence). Comments received outside of the public comment period for the relevant item will not be read aloud but will be inserted into the meeting record.

Live Remote Public Comments: Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking [here](#). Zoom also allows you to join the meeting by phone.

- Join the meeting at any point, but be sure you are in the meeting prior to the City Council consideration of the item on which you would like to provide comments.

From a PC, Mac, iPad, iPhone or Android:

<https://cityofconcord.zoom.us/j/99089250287?pwd=aXdqdi9KanNNZHUxT0ZuTjI2S0ZsQT09>

- Webinar ID: 990 8925 0287
- Passcode: 423521
- By phone: US: +1 669 900 6833
- Speakers will be asked to provide their name and city of residence, although providing this is not required for participation.
- Each speaker will be afforded up to 3 minutes to speak.
- Speakers will be muted until their opportunity to provide public comment.

When the Chair opens a public comment period on the item on which you would like to comment, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide.

Meeting of the Housing & Economic Development Committee

1. ROLL CALL – all present.

2. PUBLIC COMMENT PERIOD

This is a period for items within the Committee’s subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period. **Please see “How to Submit Public Comments” above.**

George Fulmore, Concord, spoke of a rent moratorium for 2021.

3. REPORTS

This is a period for items within the Committee’s subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the City Council from acting at this meeting on any matter raised during the Public Comment Period. **Please see “How to Submit Public Comments” above.**

- a. **Discussion** – of California State Legislation AB 3088: Tenant, Homeowner and Small Landlord Relief and Stabilization Act of 2020 and implementation of Contra Costa County Eviction and Rent Freeze Ordinance. **Report by Brenda Kain, Housing Manager.**

Main Questions from Committee Members

- AB 3088’s protections for landlords includes the Mortgage Bill of Rights
 - o If there is a reduction in income due to COVID-19, landlords are protected.
 - o What happens if there is only a 10% reduction in income? Are landlords relieved of 100% of their mortgage or just a partial amount?
 - Answer unknown- AB 3088 does not speak to the extent of the protection and if mortgage would be in some way prorated.
- Tenants/landlords cannot be legally represented in small claims courts so how do we help our low-income communities of color who may not have as many resources as their landlords?

- If tenant/landlord go to small claims court, and tenant expresses inability to pay full rent due, what course would the judge take?
 - Answer unknown- AB 3088 does not speak to the nuances of court case scenarios so it is difficult to report on outcomes.
- Question to Debra Ballinger of Monument Impact- Marketing and outreach best practices to disseminate information to tenant and landlords:
 - Social media
 - Mailers to all Concord tenants/landlords in English and Spanish
 - Radio PSAs
 - Media
- Can the City send out mailer in English and Spanish to all Concord tenants and landlords informing them of City, County and State AB 3088 rent increase/eviction provisions.
 - Valerie Barone, City Manager, clarified that we are in process of doing this, based on past Council direction, but that our target audience for the mailers is all tenants and residents in multi-family complexes of four units or more.

Public Comment

Public comment was received from the following individuals:

Carlos Gama
 Egidia Quispe
 Betty Gabaldon
 Debra Ballinger
 Kari Hernandez
 Kristi Laughlin
 Hector Malvido
 George Fulmore – spoke and sent email
 Blanca Colin - email

Public Comment Main Points

- Landlords are violating provisions of AB 3088 without any recourse, and tenants feel helpless
- Tenants are exhausting their savings to pay rent
- City needs to establish greater tenant protections beyond AB 3088 and fast since January 31st is fast approaching

- Tenants want to see the following put in place:
 - 1) Restrict evictions to those mandated by health and safety issues
 - 2) Freeze evictions and rent increases for all of 2021
 - 3) Use CDBG-CV funds to provide additional legal services to tenants
 - 4) Establish penalties for landlords that provide misinformation to tenants – See what Long Beach did.

ACTION:

Questions for City Attorney

- 1) Is it in the City’s purview to implement a City-wide freeze on rent increases for all residential tenants, and/or for tenants of multi-family complexes—through the end of calendar year 2021?
- 2) Is it in the City’s purview to implement a City-wide eviction moratorium for all residential tenants, and/or for tenants of multi-family complexes—through the end of calendar year 2021?
- 3) The City’s Urgency Ordinance expired September 30th, which prevented landlords from charging their tenants late fees for missed rent payments. So two follow up questions, the committee asked:
 - a. Do tenants retain any protections from late fees charged for the months up to and including September, since the City’s Ordinance was in place, even though AB 3088 allows late fees to be charged?
 - b. Can the City implement a prohibition on late fees that is retroactive to the start of the shelter in place through January 31, 2021, and/or through the end of calendar year 2021?
- 4) What is the penalty for landlords that do not comply with the County and AB 3088 provisions? Can there be a local response either through a code enforcement action or through fees charged to non-compliant landlords?

4. ADJOURNMENT 7:12 P.M.

NOTICE TO THE PUBLIC

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure §1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited by California law to raising only those issues you or someone else raised in the hearing or in a written correspondence delivered to the City Council prior to or at the hearing.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator Tianjun Cao at (925) 671-3243 or Tianjun.cao@cityofconcord.org, at least 24 hours in advance of the meeting. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council
Valerie Barone, City Manager
Susanne Brown, City Attorney
Justin Ezell, Director of Public Works
Joelle Fockler, City Clerk