



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE
CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000
FAX (310) 253-6010

First Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: March 20, 2020

Subject: New City Measures to Address COVID-19

On March 14, 2020, I issued a Proclamation of Local Emergency, as a result of a positive COVID-19 virus case in our City as well as a rapidly growing number of cases throughout Los Angeles County. Since that time, I have ordered a number of additional measures to be taken across the City to protect the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we will do over the next few days and weeks will affect how well we weather this emergency.

On March 16, 2020, under the authority of Culver City Municipal Code (CCMC) Section 3.09.020, I, as the Director of Emergency Services, issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19 (Public Order). The Public Order included, among other things, (1) a series of temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity; and (2) a moratorium on residential evictions resulting from a tenant's inability to pay rent due to circumstances related to the COVID-19 pandemic. The March 16, 2020 order is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein.

Also, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, which provides local jurisdictions the authority, based on their particular needs, to determine additional measures to promote housing security and stability to protect public health or to mitigate the economic impacts of COVID-19; and to determine that promoting stability amongst commercial tenancies is also conducive to public health.

Since that time, supplemental orders have been issued by the State of California and the Los Angeles County Department of Public Health on March 19, 2020, as well as a number of our neighboring communities, including the City of Los Angeles.

The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work, due to illness caused by COVID-19 or quarantines related to COVID-19, and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay

for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks.

Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations. As a result, further economic impacts are anticipated, leaving both residential and commercial tenants vulnerable to eviction.

Since the issuance of the initial State, County and City orders, it has become clear that additional efforts are needed to maintain hand hygiene, respiratory etiquette, and social distancing; and preserve the stability of, not only residential tenants, but commercial tenants, during this time of severe economic impacts. To aid in our efforts, under the emergency authorities vested in my office, as the Director of Emergency Services, under CCMC Chapter 3.09, today I am ordering supplemental restrictions be placed on certain establishments and activities throughout our City, while allowing exemptions for essential activities to continue. I am also ordering a moratorium on commercial tenant evictions, to supplement the residential tenant eviction moratorium already in place.

By virtue of authority vested in me as the Director of Emergency Services, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order:

1. I hereby issue any and all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020, attached hereto as Exhibit B and incorporated herein by reference as though fully set forth herein.
2. I further hereby order that no landlord shall evict a commercial tenant in the City of Culver City during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include:
 - A. Loss of income due to a COVID-19 related workplace closure;
 - B. Child care expenditures due to school closures;
 - C. Health care expenses related to being ill with COVID-19;
 - D. Expenses or loss of income due to caring for a member of the tenant's household who is ill with COVID-19; or
 - E. Reasonable expenditures that stem from government-ordered emergency measures.

Nothing in this Section 2 shall be construed to mean that the commercial tenant will not still be obligated to pay lawfully charged rent as provided below. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent. Commercial tenants may use the protections afforded in

this Section 2 as an affirmative defense in an unlawful detainer action. The moratorium on evictions imposed by this subsection shall remain in effect during the pendency of the local emergency period, but will not apply in cases where eviction is necessary to address an imminent and objectively verifiable threat to the health and safety of tenant or tenant's employees, landlord or landlord's employees, or neighboring businesses or residents.

Rules and implementation measures regarding the moratorium on both residential and commercial evictions shall be issued separately.

3. The deadline for submission of Culver City business taxes is hereby extended approximately 60 days to June 1, 2020.
4. Outdoor dining license fees are hereby waived for the duration of this supplemental order and any extension thereto.
5. Valet parking license fees are hereby waived for the duration of this supplemental order and any extension thereto.
6. In order to allow businesses to communicate they are open for pick-up and/or delivery of food, applicable CCMC restrictions related to outdoor business signage (including "sandwich board" signs and temporary banners) are hereby suspended for the duration of this supplemental order and any extension thereto; provided, all signs must be placed in such a manner to allow for pedestrian access along the public right-of-way.
7. In order to facilitate food delivery and pickup, the following shall apply for the duration of this supplemental order and any extension thereto:
 - A. Temporary parking shall be permitted in loading zones and special rideshare pickup zones solely for this purpose.
 - B. Parking fees for all meters and pay machines for on-street parking spaces shall be waived for the first 15 minutes.

Any violation of this supplemental order may be enforced under the CCMC, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This supplemental order is in addition to, and does not supersede nor replace, the March 16, 2020 order. Except as expressly amended herein, all previous orders set forth in the March 16, 2020 order remain in full force and effect.

Public Order Under City of Culver City Emergency Authority

Issue Date: March 20, 2020

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This supplemental order shall be effective at 11:59 p.m. on March 20, 2020. The March 16, 2020 order and this supplemental order shall remain in effect until 11:59 p.m. on April 19, 2020.

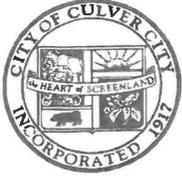
This order may be extended prior to April 19, 2020.

Date: 3/20/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City

EXHIBIT A TO MARCH 20, 2020 SUPPLEMENTAL ORDER



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000

FAX (310) 253-6010

Public Order Under City of Culver City Emergency Authority

Issue Date: March 16, 2020

Subject: New City Measures to Address COVID-19

On March 14, 2020, I issued a Proclamation of Local Emergency in relation to the arrival of the COVID-19 virus in our community, and over the past week, I have ordered a number of additional measures to be taken across the City to protect members of the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we do over the next few days and weeks will determine how well we weather this emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. The Centers for Disease Control and Prevention advises us that COVID-19 spreads easily from person to person and has issued guidelines recommending that the public adopt policies and routines to enable social distancing wherever possible.

Here in the City of Culver City, we must redouble our efforts to maintain hand hygiene, respiratory etiquette, and social distancing. It is absolutely critical that we as a City do everything we can to slow the pace of community spread and avoid unnecessary strain on our medical system. To aid in our efforts, under the emergency authorities vested in my office, as the Director of Emergency Services, under Culver City Municipal Code Chapter 3.09, today I am ordering that a series of temporary restrictions be placed on certain establishments throughout our City in which large numbers of people tend to gather and remain in close proximity. By virtue of authority vested in me as the Director of Emergency Services pursuant to the provisions of Culver City Municipal Code Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, March 16, 2020 until March 31, 2020 at 11:59 p.m., that:

1. All bars, lounges and nightclubs in the City of Culver City that do not serve food shall be closed to the public.
2. Any bars, lounges or nightclubs in the City of Culver City that serve food may remain open only for purposes of continuing to prepare and offer food to customers via delivery service or to be picked up. Dine-in food service is prohibited.

3. All restaurants and retail food facilities in the City of Culver City shall be prohibited from serving food for consumption on premises. Restaurants and retail food facilities may continue to operate for purposes of preparing and offering food to customers via delivery service, to be picked up or for drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up.
4. The following are exempt from this Order:
 - A. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities
 - B. Grocery stores
 - C. Pharmacies
 - D. Food banks
5. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are hereby exempt from having to comply with any City rules and regulations that limit the hours for such deliveries.
6. All movie theaters, live performance venues, bowling alleys and arcades shall be closed to the public.
7. All gyms, fitness centers, and art, dance, music studio and the like, cultural venues and facilities, and indoor recreational facilities and uses except as otherwise provided herein, shall be closed to the public.

Any violation of the above prohibitions may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

In addition, I hereby issue guidance to the leaders of the City's houses of worship and urge them, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.

Finally, I hereby order that no landlord shall evict a residential tenant in the City of Culver City during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19 or expenses or loss of income due to caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent as provided below. Tenants will have up to

Public Order Under City of Culver City Emergency Authority

Issue Date: March 16, 2020

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six months following the expiration of the local emergency period to repay any back due rent. Tenants may use the protections afforded in this subsection as an affirmative defense in an unlawful detainer action. The moratorium on evictions imposed by this subsection shall remain in effect during the pendency of the local emergency period, but will not apply in cases where eviction is necessary to address an imminent and objectively verifiable threat to the health and safety of a member of tenant's household or other residents of the rental property, or to the landlord or landlord's employees.

This order may be extended prior to March 31, 2020.

Date: 3/16/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City

EXHIBIT B TO MARCH 20, 2020 SUPPLEMENTAL ORDER



ERIC GARCETTI
MAYOR

Public Order Under City of Los Angeles Emergency Authority

Issue Date: March 19, 2020

Subject: SAFER AT HOME

The novel coronavirus pandemic is a global emergency that is unprecedented in modern history. Profoundly impacting our daily lives, it has inspired Angelenos to respond with courage, compassion, wisdom and resolve to overcome this crisis and help each other.

In a short period of time and at an unprecedented scale, residents in every community have embraced urgent social distancing best practices and aggressive hygienic precaution, not just to protect themselves, but to protect others. Angelenos understand with exceptional clarity that there is only one way to get through this difficult moment: together.

The City's recent emergency orders — curtailing large public gatherings; temporarily closing many government facilities; closing theaters, bars and entertainment venues; prohibiting restaurants from serving to dine-in customers while permitting take-out, delivery and drive-thru; and a moratorium on evictions of residential and commercial tenants — have been followed with a willing and generous spirit.

While we have previously taken strong action, now the City must adopt additional emergency measures to further limit the spread of COVID-19.

With this virus, we are safer at home.

Wherever feasible, City residents must isolate themselves in their residences, subject to certain exceptions provided below.

Under the provisions of Section 231(i) of the Los Angeles City Charter and Chapter 3, Section 8.27 of the Los Angeles Administrative Code, I hereby declare the following

orders to be necessary for the protection of life and property in the City of Los Angeles, effective on Thursday, March 19, 2020 at 11:59 PM:

1. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all persons living within the City of Los Angeles are hereby ordered to remain in their homes. Residents of the City of Los Angeles who are experiencing homelessness are exempt from this requirement. The City is working, along with partner government agencies and non-governmental organizations, to make more emergency shelters available for the unhoused residents of our City. City of Los Angeles officials and contracted partners responsible for homelessness outreach shall make every reasonable effort to persuade such residents to accept, if offered, temporary housing or shelter, as the Health Officer of the County of Los Angeles recommends that sheltering individuals will assist in reducing the spread of the virus and will protect the individual from potential exposure by allowing the individual access to sanitation tools. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

2. Subject only to the exceptions outlined in this Paragraph and Paragraph 5 below, all businesses within the City of Los Angeles are ordered to cease operations that require in-person attendance by workers at a workplace (including, without limitation, indoor malls and indoor shopping centers, including all stores except for those stores considered essential activities or infrastructure under this Order which are directly accessible to the public from the exterior of the mall or shopping center - the interior of the indoor mall or indoor shopping center shall remain closed to the public). To the extent that business operations may be maintained by telecommuting or other remote means, while allowing all individuals to maintain shelter in their residences, this order shall not apply to limit such business activities.

3. All public and private gatherings of any number of people occurring outside a residence are prohibited, except as to those exempted activities described in this Paragraph and Paragraph 5. This provision does not apply to gatherings within a single household or living unit.

4. All travel, including, without limitation, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit is prohibited, subject to the exceptions in Paragraph 5.

5. Exceptions. People may lawfully leave their residence while this Order is in effect only to engage in the following activities:

(i) First 24 hour allowance. This Order shall not apply, for a 24-hour period following the effective date above, to allow employees and business owners to access to their workplaces to gather belongings or address other administrative needs, so long as social distancing requirements are followed. Such workplaces shall remain closed to the public in accordance with this Order.

(ii) Essential Activities. To engage in certain essential activities, including, without limitation, visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining grocery items (including, without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh or frozen meats, fish, and poultry, any other household consumer products and products necessary to maintain the safety and sanitation of residences and other buildings) for their household or to deliver to others, or for legally mandated government purposes. In addition, any travel related to (a) providing care for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons; (b) returning to one's place of residence from outside the City; (c) travelling to one's place of residence located outside the City; (d) compliance with an order of law enforcement or court shall be exempt from this Order; or (e) legally mandated government purposes. Persons engaging in these essential activities shall maintain reasonable social distancing practices. This includes maintaining a distance of at least six-feet away from others, frequently washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

(iii) Outdoor Activities. To engage in outdoor activity and recreation, provided that the individuals comply with social distancing requirements, including, without limitation, walking, hiking, running, cycling; use of scooters, roller skates, skateboards, or other personal mobility devices; or travel in a vehicle with household members to a location where it is possible to walk, hike, run or ride a bike, or operate personal mobility devices, while maintaining social distancing practices. Indoor and outdoor playgrounds for children, except those located within childcare centers, shall be closed for all purposes.

(iv) Work in Support of Essential Activities. To perform work providing essential products and services or to otherwise carry out activities specifically permitted in this Order.

(v) To care for or support a friend, family member, or pet in another household.

(vi) Emergency Personnel. All first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers are categorically exempt from this Order.

(vii) Essential Activities Exempt. Certain business operations and activities are exempt from the provisions of this Order, on the grounds that they provide services that are recognized to be critical to the health and well-being of the City. These include:

(a) All healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical and scientific research, laboratories, healthcare suppliers, home healthcare services providers, veterinary care providers, mental and behavioral health providers, substance use

providers, physical therapists and chiropractors, cannabis dispensaries, or any related and/or ancillary healthcare services, manufacturers and suppliers. Healthcare operations does not include fitness and exercise gyms and similar facilities.

(b) Grocery stores, water retailers, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, warehouse stores, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh or frozen meats, fish, and poultry, any other household consumer products (such as construction supplies, cleaning and personal care products). This includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences.

(c) Food cultivation, including farming, livestock, and fishing.

(d) Organizations and businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless services agencies).

(e) Newspapers, television, radio, magazine, podcast and other media services.

(f) Gas service stations, auto supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops that operate adjacent to or otherwise in connection with an used or retail auto dealership), bicycle repair shops and related facilities.

(g) Banks, credit unions, financial institutions and insurance companies.

(h) Hardware and building supply stores, and nurseries.

(i) Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other essential activities discussed in this subsection.

(j) Businesses providing mailing and shipping services, including post office boxes.

(k) Educational institutions -- including public and private K-12 schools, colleges, and universities -- for purposes of facilitating distance learning or performing essential functions provided that social distancing of six-feet per person is maintained to the greatest extent possible.

(l) Laundromats, dry cleaners, and laundry service providers.

(m) Restaurants and retail food facilities that prepare and offer food to customers, but only via delivery service, to be picked up, or drive-thru. For those establishments offering food pick-up options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick-up. This includes maintaining a distance of at least six-feet away from others. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students

or members of the public on a pick-up and carry out basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or any other gathering site. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities are also exempt from this Order. Social distancing shall be maintained at a distance of at least six-feet away from others

(n) Businesses that supply products needed for people to work from home.

(o) Businesses that supply other essential businesses with the support, services, or supplies necessary to operate, provided that strict social distancing is maintained. This section includes, without limitation, utility companies.

(p) Individuals and businesses that ship or deliver groceries, food, beverages or goods directly to residences or businesses, including rail and trucking.

(q) Airlines, taxis, ride sharing services, and other private transportation services providing transportation services necessary for essential activities and other purposes expressly authorized in this Order.

(r) Home-based care for disabled persons, seniors, adults, or children.

(s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals.

(t) Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities.

(u) Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

(1) Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).

(2) Children shall not change from one group to another.

(3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

(4) Childcare providers shall remain solely with one group of children.

(v) Hotels, motels, shared rental units and similar facilities.

(w) Military/Defense Contractors/FFRDC (Federally Funded Research and Development Centers). For purposes of this Order, essential personnel may leave their residence to provide any service or perform any work deemed essential for national security including, without limitation, defense, intelligence, and aerospace development and manufacturing for the Department of Defense, the Intelligence Community, and NASA and other federal government, and or United States Government departments and agencies. Essential personnel include prime, sub-prime, and supplier contractor employees, at both the prime contract level and any supplier level at any tier, working on federal United States Government contracts, such as contracts for national intelligence and national security requirements.

(viii) Government Employees. This Order does not apply to employees of government agencies working within the course and scope of their public service employment. Employees of the City of Los Angeles shall follow any current or future directives issued by the Mayor.

(ix) Essential Infrastructure. Individuals may leave their residences to provide any services or goods or perform any work necessary to to build, operate, maintain or manufacture essential infrastructure, including without limitation construction of commercial, office and institutional buildings, residential buildings and housing; airport operations, food supply, concessions, and construction; port operations and construction; water, sewer, gas, electrical, oil extraction and refining; roads and highways, public transportation and rail; solid waste collection and removal; flood control and watershed protection; internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services); and manufacturing and distribution companies deemed essential to the supply chains of the industries referenced in this Paragraph, provided that they carry out those services and that work in compliance with social distancing practices as prescribed by the Centers for Disease Control and Prevention and the Los Angeles County Department of Public Health, to the extent possible.

6. To the extent that this Order is in conflict with earlier Orders, this Order shall supersede the others.

7. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment. I hereby urge the Los Angeles Police Department and the City Attorney to vigorously enforce this Order via Sections 8.77 and 8.78 of the Los Angeles Administrative Code.

8. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.

This order shall be in place until April 19, 2020, and it may be extended prior to that time.



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000

FAX (310) 253-6010

**Rules and Implementation Measures Regarding
COMMERCIAL TENANT EVICTION MORATORIUM**

Issue Date: March 27, 2020

BACKGROUND:

On March 16, 2020, the City Manager, under the authority of Culver City Municipal Code (CCMC) Section 3.09.020, as the Director of Emergency Services, issued a Public Order enacting City measures to protect members of the public and City workers from undue risk of COVID-19 ("March 16 Order") and on March 20, 2020 issued a First Supplement to Public Order ("March 20 Order"). The March 16 Order and March 20 Order are collectively referred to as "Public Order". The Public Order will remain in effect through April 19, 2020, unless extended or renewed, and includes, among other things, the following order in Section 2 of the March 20 Order ("Commercial Tenant Eviction Moratorium"):

"[N]o landlord shall evict a commercial tenant in the City of Culver City during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include:

- A. loss of income due to a COVID-19 related workplace closure;*
- B. child care expenditures due to school closures;*
- C. health care expenses related to being ill with COVID-19;*
- D. expenses or loss of income due to caring for a member of the tenant's household who is ill with COVID-19; or*
- E. reasonable expenditures that stem from government-ordered emergency measures.*

Nothing in this Section 2 shall be construed to mean that the commercial tenant will not still be obligated to pay lawfully charged rent as provided below. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent. Commercial tenants may use the protections afforded in this Section 2 as an affirmative defense in an unlawful detainer action. The moratorium on evictions imposed by this subsection shall remain in effect during the pendency of the local emergency period, but will not apply in cases where eviction is necessary to address an imminent and objectively verifiable threat to the health and safety of tenant or tenant's employees, landlord or landlord's employees, or neighboring businesses or residents."

On March 18 and March 26, 2020, the City Council adopted urgency ordinances (Ordinance No. 2020-006 and Ordinance No. 2020-007), confirming the March 16 Order and March 20 Order, respectively, pursuant to CCMC Section 3.09.020.B.1.h(2).

AUTHORITY: Section 3.C of Ordinance No. 2020-007 (“Urgency Ordinance”) provides the City Manager the authority to promulgate rules and implementation measures (collectively, “Implementation Measures”) with regard to the Commercial Tenant Eviction Moratorium, which are consistent with the provisions of the March 20 Order and the Urgency Ordinance. Section 4 of the Urgency Ordinance authorizes the enforcement of any violation of the Commercial Tenant Eviction Moratorium by the issuance of administrative fines up to \$1,000 for each violation.

IMPLEMENTATION MEASURES:

Section 1. Definitions. For purposes of the March 20 Order, Urgency Ordinance, and these Implementation Measures, the following definitions shall apply:

- A. “Affected Tenant” means a Commercial Tenant who is unable to pay their Rent due to circumstances related to the COVID-19 pandemic, including loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19, expenses or loss of income due to caring for a member of the tenant’s household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures.
- B. “Back Rent” means that portion of Rent owed by an Affected Tenant that remains unpaid upon expiration of the Local Emergency Period.
- C. “Commercial Property” means real property, including any part, portion, or unit thereof, and any related facilities, space, or services, except the following:
 - i. Any dwelling unit as defined in Civil Code Section 1940.
 - ii. Any dwelling unit in any mobilehome park, as defined in Health and Safety Code Section 18214.
 - iii. Any recreational vehicle as defined in Civil Code Section 799.24.

Commercial Property may include but is not limited to retail, office, industrial, manufacturing, assembly, warehousing, hotels, motels, and special uses such as gas stations, theaters, bowling alleys, health care facilities, nursing facilities, child care centers, and schools.

- D. “Commercial Tenant” means any individual, agency, association, branch, corporation, estate, group, partnership, or other entity or organization entitled by

COMMERCIAL EVICTION MORATORIUM IMPLEMENTATION MEASURES

Issue Date: March 27, 2020

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Lease or by sufferance, to the use or occupancy of a Commercial Property, provided that such person holds a valid business license issued by the City of Culver City, unless exempt from business license requirements under the Culver City Municipal Code.

- E. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive Rent for the use and occupancy of a Commercial Property and the agent, representative, or successor of any of the foregoing.
- F. "Lease" means the written or oral agreement setting forth the terms and conditions of the Commercial Tenant's use or occupancy of the Commercial Property.
- G. "Local Emergency Period" means the term of the Public Order, including all supplemental orders, extension or amendments.
- H. "Notice of Termination" means any notice, including notice given under Code of Civil Procedure section 1161, informing a Commercial Tenant of the termination of its tenancy for nonpayment of Rent.
- I. "Rent" means the sum of all monetary payments and all nonmonetary consideration demanded or received by a Landlord from a Commercial Tenant for the use or occupancy of the Commercial Property, including the Commercial Tenant's access to and use of services provided by the Landlord related to the use or occupancy of the Commercial Property. Rent includes, without limitation, the fair market value of goods accepted, labor performed, or services rendered.

Section 2. Scope. The March 20 Order applies to Affected Tenants of every Commercial Property located in the City of Culver City and Landlords of Affected Tenants.

Section 3. Application.

- A. The Eviction Moratorium shall apply to every Notice of Termination, eviction notice, and unlawful detainer action for non-payment of Rent brought under Code of Civil Procedure Sections 1161 and 1161.1, seeking to recover occupancy of a Commercial Property occupied by an Affected Tenant, regardless of the date it is served or filed, if the Commercial Property has not been permanently vacated as of the effective date of the Urgency Ordinance (March 26, 2020).
- B. The Eviction Moratorium shall not apply in cases where eviction is necessary to address an imminent and objectively verifiable threat to the health and safety of the Affected Tenant, or the Affected Tenant's employees, the Landlord or the Landlord's employees, or neighboring businesses or residents. In such cases, the Landlord must give written notice to the Affected Tenant and to the Economic Development Division of the City of Culver City, describing in detail

the nature of the imminent threat, the reason eviction is necessary to address the threat, and the steps taken by Landlord to avoid eviction. The Economic Development Division may request additional documentation and may order suspension of the eviction process if it determines, in its reasonable discretion, that the eviction is unnecessary.

- C. The March 20 Order and these Implementation Measures do not in any way diminish, nullify or supersede provisions, including but not limited to, Force Majeure provisions, in the Affected Tenant's Lease that entitle the Affected Tenant to additional protections, rights and benefits regarding the payment of Rent and such provisions continue to be fully enforceable by the Affected Tenant according to their terms.

Section 4. Prohibitions.

- A. No landlord shall evict a Commercial Tenant in the City of Culver City during the term of the Public Order, as supplemented, amended, or extended, if the Commercial Tenant is able to show an inability to pay Rent due to circumstances related to the COVID-19 pandemic, which include one or more of the following:
 - 1. Loss of income due to a COVID-19 related workplace closure or partial closure
 - 2. Child care expenditures due to school closures;
 - 3. Health care expenses related to being ill with COVID-19;
 - 4. Expenses or loss of income due to caring for a member of the tenant's household who is ill with COVID-19; or
 - 5. Reasonable expenditures that stem from government-ordered emergency measures.
- B. Loss of income includes, but is not necessarily limited to, loss of business income from the Commercial Property and loss of personal income from the Commercial Tenant's outside employment.
- C. A Landlord is prohibited from charging or collecting late charges or fees when payment of Rent is delayed for the reasons set forth in Section 4.A.
- D. A Landlord may not unreasonably prohibit an Affected Tenant's subleasing of the Commercial Property or assignment of the Lease. The Landlord must provide a written statement of the reasons for prohibiting subleasing or assignment and provide a copy to the Affected Tenant and the Economic Development Division.
- E. If the term of a Commercial Tenant's Lease expires during the Local Emergency Period but the Commercial Tenant is unable to remove their

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personal property due to circumstances related to the COVID-19 pandemic, the Landlord may not attempt to collect holdover Rent during the Local Emergency Period.

- F. A Landlord may not use the eviction process to seek Rent that is delayed for the reasons set forth in Section 4.A and these Implementation Measures. A Landlord may not engage in constructive eviction of an Affected Tenant, such as denying access to the Commercial Property or actions caused directly by Landlord or by a person or circumstance within Landlord's control, whereby the property is rendered wholly or substantially unsuitable for the use for which it was leased.
- G. Nothing in the March 20 Order or these Implementation Measures relieves Landlord or the Affected Tenant of their respective maintenance and repair obligations and their obligations to pay taxes and assessments under the Affected Tenant's Lease or their respective obligation to provide the utilities and other services required by the Affected Tenant's Lease.
- H. Nothing in the March 20 Order or these Implementation Regulations nullifies or supersedes the Affected Tenant's right to early termination under the terms of the Lease or relieves the Affected Tenant of its other obligations under the Lease relating to early termination.

Section 5. Notice. A Landlord who has knowledge that an Affected Tenant cannot pay some or all of the Rent for the reasons set forth in the Public Order shall not serve a Notice of Termination, file or prosecute an unlawful detainer action under Code of Civil Procedure Sections 1161 and 1161.1 or otherwise seek to evict an Affected Tenant for nonpayment of Rent. For purposes of this Section, a Landlord shall be presumed to have "knowledge" of an Affected Tenant's inability to pay Rent within the meaning of the Public Order if the Affected Tenant, within 30 days after the date that Rent is due, notifies the Landlord in writing of the Affected Tenant's inability to pay full Rent for any of the reasons set forth in Section 4.A of these Implementation Measures, and provides documentation to support the claim. For purposes of this Section, "in writing" includes email or text communications to the Landlord or the Landlord's representative with whom the Affected Tenant has previously corresponded by email or text.

Section 6. Documentation. One or more of the following documents, appropriate to the circumstances, may be used to create a rebuttable presumption that the Commercial Tenant has met the documentation requirement set forth in Section 5 of these Implementation Measures and qualifies as an Affected Tenant; however, the listed documents are not the exclusive form of documentation that may be used to create a rebuttable presumption that the Commercial Tenant qualifies as an Affected Tenant and is entitled to the protections of the March 20 Order:

- A. A financial statement certified by the Commercial Tenant, showing a decline in gross business income;
- B. Written records showing a reduction in operating hours, reduction in sales, temporary closures, or other identifiable impacts of COVID-19 on the Commercial Tenant's operations;
- C. Written communication from the Commercial Tenant's outside employer citing COVID-19 as a reason for reduced work hours, suspension of wages, or termination;
- D. Paycheck stubs and time cards from the Commercial Tenant's outside employment;
- E. Notification from a school declaring a school closure related to COVID-19 or other public notice of a school closure;
- F. Proof of out-of-pocket medical expenses;
- G. Proof of out-of-pocket child care expenses;
- H. Proof of COVID-19 medical care or medical quarantine.

The Landlord shall provide a copy of the Affected Tenant's documentation to the City's Economic Development Division upon request. All medical or financial information provided to the Landlord or the City shall be held in a separate confidential and secured file, and shall only be used for evaluating the Affected Tenant's claim. The Landlord shall retain all records pertaining to an Affected Tenant's claim for a period of at least one year and shall permit inspection and copying by the City's Economic Development Division.

Section 7. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with the March 20 Order and these Implementation Measures. Non-compliance with any applicable provision of the March 20 Order or these Implementation Measures shall constitute an affirmative defense against an unlawful detainer action under California Code of Civil Procedure Sections 1161 and 1161.1, as amended. To assert this defense, an Affected Tenant shall have provided their Landlord with the notice and written documentation required by Sections 5 and 6 of these Implementation Measures, or other objectively verifiable information, establishing that the Affected Tenant's inability to pay Rent is due to one or more of the circumstances described in Section 4.A.

Section 8. Payment of Back Rent. Nothing in the March 20 Order or these Implementation Measures shall relieve an Affected Tenant of liability for unpaid Rent. An Affected Tenant will have a period of six months after the expiration of the Local Emergency Period to pay all Back Rent. During that six-month grace period, the Landlord may collect Rent as it accrues for each rental period but may not terminate the tenancy of an Affected Tenant for nonpayment of Back Rent. If during the Local Emergency Period the Landlord exercises a legal right to draw upon the Affected Tenant's deposit under Civil Code Section 1950.7 for payment of Rent, then the Affected Tenant may elect to have payment of Back Rent during the six-month grace period allocated to the deposit to restore the amount drawn down by the Landlord, in which case such amount shall be credited to the Back Rent owed. Upon the expiration of the six-month grace period, the

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Landlord may take such actions as allowed by State and local law to collect any Back Rent that remains unpaid, including seeking recovery of possession of the Commercial Property.

Section 9. Enforcement. The rules and implementation measures promulgated by the City Manager, pursuant to the authority provided under the Urgency Ordinance, shall have the force and effect of law and may be relied upon by parties to determine their rights and responsibilities under the March 20 Order and the Urgency Ordinance.

Section 10. Issuance of Administrative Citations. Pursuant to the authority granted under Section 4 of Ordinance No. 2020-007, the City, in its sole discretion, may choose to enforce the provisions of the Commercial Tenant Eviction Moratorium and these Implementation Measures, through the administrative citation process set forth in Chapter 1.02 of the CCMC. Notwithstanding any provision in Chapter 1.02 to the contrary, each violation of any the Commercial Tenant Eviction Moratorium or these Implementation Measures may be subject to an administrative fine of up to \$1,000. Each separate day, or any portion thereof, during which any violation occurs or continues, constitutes a separate violation. The City's decision to pursue or not pursue enforcement of any kind shall not affect an Affected Tenant's rights to pursue civil remedies.

Date: 3/27/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City