



# City of Culver City

Mike Balkman Council  
Chambers  
9770 Culver Blvd.  
Culver City, CA 90232

## Staff Report

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**File #:** 25-875, **Version:** 2

**Item #:** A-3.

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**CC - ACTION ITEM:** (1) **FOUR-FIFTHS VOTE REQUIREMENT:** Adoption of an Urgency Ordinance establishing a Right to Counsel Program to Provide Free Legal Support to Tenants in Response to the Recent Wildfires; and (2) Provide Direction to the City Manager as Deemed Appropriate.

**Meeting Date:** March 17, 2025

**Contact Person/Dept.:** Shannon Louis, Housing and Human Services Department  
Christina Burrows, Assistant City Attorney

**Phone Number:** (310) 253-5787  
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**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Attachments:** Yes ☒ No ☐

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (03/12/2025)

**Department Approval:** Tevis Barnes, Housing and Human Services Director (03/10/2025); Heather Baker, City Attorney (03/11/2025)

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### **RECOMMENDATION**

Staff recommends the City Council (1) adopt an urgency ordinance establishing a Right to Counsel Program to provide free legal support to tenants in response to the recent wildfires (**four-fifths vote requirement**); and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND**

On September 29, 2020, the City Council adopted Ordinance No. 2020-015, which amended Culver City Municipal Code (CCMC) Chapter 15.09 to establish permanent residential tenant protections. CCMC Section 15.09.320.D contains provisions for evictions, allowing landlords to recover possession of a rental unit only for specific For Cause or No-Fault reasons.

At its January 27, 2025 meeting, City Council requested that a discussion be placed on the agenda to address a pause on rent increases and a moratorium on evictions to address the recent wildfires. At its February 24, 2025 meeting, City Council moved the discussion to its March 3, 2025 meeting to

await the Los Angeles County (County) Board of Supervisor's (Board or Supervisors) February 25, 2025 decision establishing an affirmative defense to evictions due to nonpayment of rent between February 1, 2025 and July 31, 2025 for financially impacted tenants related to the recent wildfires. At its March 3, 2025 meeting, City Council requested staff to return with an urgency ordinance establishing a Right to Counsel Program to provide legal support to tenants in response to the recent wildfires.

## **DISCUSSION**

In preparing the draft urgency ordinance, City staff reviewed the City's current legal services agreement with Bet Tzedek and the Right to Counsel programs provided by the City's neighboring jurisdictions.

### **Culver City's Current Legal Services Agreement with Bet Tzedek**

The City currently contracts with Bet Tzedek to provide free legal services to Culver City tenants. Bet Tzedek is a private, non-profit organization offering a variety of legal services, in LA County-and specifically provides free legal services, including and up to full representation, to Culver City residents. The City's contract with Bet Tzedek designates a full-time attorney who is knowledgeable about California landlord-tenant law, Federal Fair Housing law, the City's Rent Control and Tenant Protections Ordinances, and issues such as those arising from the recent wildfires - including evictions due to nonpayment of rent, to assist Culver City residents. Bet Tzedek's contract also includes a dedicated hotline and email address.

Since May 2022, Bet Tzedek has held free weekly legal clinics where Culver City residents can receive one on one legal assistance on their specific housing issues. The format of the weekly clinics includes three dedicated 30 minutes timeslots and an open session on where tenants can "drop-in" for assistance. Since the start of Fiscal Year 2024/2025, there have been 34 legal clinics.

Currently, tenants who contact the City for assistance with housing issues that are not within the scope of the Rent Control and Tenant Protections Ordinances are referred to Bet Tzedek for support and legal guidance - especially tenants who have been issued eviction notices/unlawful detainers. During an average week, Bet Tzedek assists anywhere from 3 to 4 tenants at the weekly legal clinics, and an additional 5 to 6 tenants who reach out via phone or email. While every tenant is entitled to request support from Bet Tzedek for legal defense, regardless of income level or any other factors, every tenant may not be provided services depending on the workload of the Bet Tzedek attorney.

### **Right to Counsel Programs in Other Jurisdictions**

#### ***Los Angeles County (LA County)***

LA County's Tenant Right to Counsel Ordinance (TRTCO) established a right to counsel program

mandating free legal services to eligible tenants living in the unincorporated areas of LA County during eviction/unlawful detainer proceedings. To be eligible for services, tenants must:

1. Have received an eviction notice (unlawful detainer)
2. Live in unincorporated LA County; and
3. Have a household income at or below 80% of the AMI, as defined by the California Department of Housing and Community Development.

The TRTCO also requires that landlords provide notice to tenants of their right to counsel. The required notice must be provided in English and the language of the rental agreement, attached to any notice of eviction issued on the tenant, and posted at the property at all times.

#### *Los Angeles City (LA City)*

In February 2023, LA's City Council directed staff to return with a right to counsel ordinance to provide services to free legal services tenants at or below 80% AMI facing eviction or termination of a housing subsidy. The ordinance has since been revised to not allow for tenants who reside in the same unit as their landlord to be extended legal services under these protections. As of the date of this staff report, the ordinance is still pending approval by LA's City Council.

#### *Santa Monica*

In April 2021, the City of Santa Monica launched a pilot right to counsel project contracting with Legal Aid Foundation of Los Angeles (LAFLA), a non-profit law firm for low-income residents, to provide full-scope eviction defense services to tenants facing eviction during the COVID-19 pandemic. Santa Monica also restricts services to households with incomes at or below 80% of the County's AMI.

#### *Stay Housed LA*

Tenants can also obtain services through Stay Housed LA. Stay Housed LA is a partnership between LA County, the City of Los Angeles and local community and legal service providers. Stay Housed LA helps tenants to understand their rights and free legal assistance - if eligible, such as responding to notices, short-term rental assistance, and access to other resources.

To be eligible for services with Stay Housed LA, tenants must have received an eviction notice, live in LA County - incorporated areas are eligible, and have an income at or below 80% of the AMI, as defined by the California Department of Housing and Community Development. In an effort to provide services to the most vulnerable communities, Stay Housed LA prioritizes services to residents in targeted zip codes.

#### Proposed Tenant Right to Counsel Urgency Ordinance

The proposed urgency ordinance establishes a Tenant Right to Counsel Program ("Program") that provides Culver City tenants with an attorney during eviction proceedings. The Program is modeled after Culver City's existing agreement with Bet Tzedek (discussed in more detail above).

The ordinance establishes the following standards for the Program:

- The Program is subject to annual appropriations, meaning it will continue as long as funding is

appropriated for it. In the event the demand for Program services exceeds the available Program funds or resources, the Housing and Human Services Department is authorized to prioritize the provision of services.

- The Program is available to Culver City tenants, meaning tenants who reside in a rental unit in the City. Culver City tenants are eligible for free legal services related to an unlawful detainer proceeding or equivalent legal proceeding to terminate the tenancy of a tenant.
- The Housing and Human Services Department is authorized to issue Program Guidelines.
- The Housing and Human Services Department will engage and educate tenants about the Program.
- The Program does not create an attorney-client privilege between tenants and the City.
- Retaliation or harassment against a tenant for participation in the Program is prohibited.

Unlike the County of Los Angeles program, the City of Santa Monica program, and the proposed City of Los Angeles program, the City's agreement with Bet Tzedek does not limit legal services to tenants of a specific income level. The proposed urgency ordinance does not limit the Tenant Right to Counsel to tenants of specific income levels, but it does give the Housing and Human Services Department the authority to prioritize the provision of services in the event that demand exceeds available Program funds or resources.

An urgency ordinance does not require an introduction (first reading), requires a four-fifths vote for adoption, and takes effect immediately.

Per the direction of the City Council, the Tenant Right to Counsel Program will be incorporated into the Culver City Municipal Code (CCMC) as part of the updates to the Rent Control and Tenant Protections Ordinances that will be presented to City Council in the coming months. Staff will recommend repeal of the urgency ordinance once these protections become effective in the CCMC.

## **FISCAL ANALYSIS**

There is no expected fiscal impact on the City's budget related to codifying the City's current service model with Bet Tzedek to establish a Right to Counsel Program in response to the recent wildfires. If Council gives direction to change Bet Tzedek's level of service, there could be a fiscal impact associated with an amendment to their agreement.

## **ATTACHMENTS**

1. Tenant Right to Counsel Urgency Ordinance

## **MOTIONS**

That the City Council:

1. Adopt an urgency ordinance establishing a Right to Counsel Program to provide free legal support to tenants in response to the recent wildfires (**four-fifths vote requirement**); and
2. Provide direction to the City Manager as deemed appropriate.

ORDINANCE NO. 2025 \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA, ESTABLISHING A TENANT RIGHT TO COUNSEL**

WHEREAS, beginning January 7, 2025, a series of 30 wildfires ignited across Southern California, primarily impacting Los Angeles, Riverside, San Bernardino, and Ventura counties. Of those, the two largest fires were the Palisades Fire and the Eaton Fire, both of which impacted Culver City residents and workers;

WHEREAS, the fires caused significant loss of life, displacement of residents, and widespread property damage, including homes, businesses, and critical infrastructure. The fires pose a serious threat to public health due to smoke and particulate pollution inhalation, injuries, and potential hazards related to fire clean up. Moreover, the fires disrupted businesses, transportation, and daily life, resulting in significant economic losses for the region;

WHEREAS, the City of Los Angeles and the County of Los Angeles declared a local state of emergency on January 7, 2025. This proactive measure was taken in anticipation of the extreme Santa Ana winds and the high fire risk they posed;

WHEREAS, Governor Gavin Newsom proclaimed a state of emergency for the state of California on January 7, 2025, authorizing a coordinated response, as well as an executive order suspending the California Environmental Quality Act (CEQA) and the California Coastal Act, as well as directing state agencies to identify permitting requirements that could be streamlined or suspended to accelerate rebuilding or housing of displaced persons;

1 WHEREAS, on January 8, 2025, President Biden approved a federal emergency  
2 declaration for California, authorizing deployment of Federal Emergency Management Agency  
3 (FEMA) resources to California and provision of federal disaster assistance;

4 WHEREAS, the Los Angeles County Department of Public Health declared a  
5 local health emergency and issued an advisory that the smoke from the wildfires has resulted  
6 in toxic airborne particles. These can cause a variety of illnesses, particularly in those most  
7 vulnerable—children, older adults, those with respiratory or heart conditions, or those with  
8 otherwise compromised immune systems; and  
9

10 WHEREAS, in an effort to protect Culver City Tenants who face eviction during  
11 this emergency, on March 3, 2025 the City Council of the City of Culver City directed staff to  
12 bring back an urgency ordinance establishing a Tenant Right to Counsel Program.

13 **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**  
14 **HEREBY ORDAIN** as follows:

15 **SECTION 1. FINDINGS.** The City Council of the City of Culver City hereby  
16 finds, determines and declares that:  
17

18 **A.** Access to safe, secure, and affordable housing is essential to achieving  
19 equal access to other fundamental needs. A lack of access to legal  
20 representation discourages tenants from challenging unlawful evictions  
21 and asserting their rights contributing to the disruption of families and  
22 communities, and to homelessness.  
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24 **B.** The purpose of adopting the Tenant Right to Counsel Program is to  
25 provide Culver City tenants with access to legal representation in eviction  
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proceedings subject to the availability of funding and annual budget appropriations.

C. This ordinance strengthens the City's housing strategies to minimize tenant displacement and homelessness.

**SECTION 2. DEFINITIONS.** For purposes of this Ordinance, the following definitions shall apply:

A. "**City**" means the City of Culver City.

B. "**Covered Proceeding**" means an unlawful detainer proceeding or equivalent legal proceeding to terminate the Tenancy of a Tenant. A Covered Proceeding does not include any appellate proceeding, unless approved by the Department.

C. "**Department**" means the Housing and Human Services Department.

D. "**Designated Organization**" means an organization designated by the Department that has the capacity to provide Full Scope Legal Representation to Tenants in a Covered Proceeding. Such organization may be a nonprofit organization, legal services clinic, for-profit legal services provider, or other equivalent organization.

E. "**Full Scope Legal Representation**" means legal representation provided to a Tenant in a Covered Proceeding by an attorney licensed in the State of California. Full Scope Legal Representation means the attorney will handle all aspects of the client's case and includes, but is not limited to, consultation, document preparation, negotiations, court appearances, and any other necessary tasks on behalf of a Tenant.

F. "**Landlord**" is defined in Culver City Municipal Code Section 15.09.305.

G. "**Program**" means the Tenant Right to Counsel Program.

H. "**Rental Unit**" is defined in Culver City Municipal Code Section 15.09.305.

I. "**Tenancy**" is defined in Culver City Municipal Code Section 15.09.305.



1                   **J. "Tenant"** is defined in Culver City Municipal Code Section 15.09.305.

2                   **SECTION 3. TENANT RIGHT TO COUNSEL PROGRAM.** Based on the  
3 findings set forth in Section 1, the City Council hereby creates a Tenant Right to Counsel  
4 Program to provide free legal services to Tenants living in Culver City during eviction (Unlawful  
5 Detainer) proceedings.

6                   **A. Availability Subject to Funding.** Subject to available annual appropriations,  
7 the Department is authorized to administer the Program and the Department  
8 will coordinate and oversee implementation of the Program. If the demand for  
9 Program services exceeds available Program funds or resources, the  
10 Department will have sole authority to prioritize the provision of services  
11 based on any reasonable considerations.

12                   **B. Applicability.** The Program is available to Tenants who reside in a Rental  
13 Unit within the jurisdictional boundaries of the City.

14                   **C. Procedures and Guidelines.** The Department will develop guidelines,  
15 procedures, and rules to aid in the implementation of the Program.

16                   **D. Eligibility.** The Department will have sole authority to determine if a legal  
17 proceeding qualifies as an eligible Covered Proceeding. A Tenant may be  
18 required to demonstrate a legal proceeding is an eligible Covered Proceeding  
19 by providing the following:

- 20                   1. A notice to vacate or lease termination notice where such notice  
21                   indicates the initiation of a Covered Proceeding;
- 22                   2. An eviction complaint;
- 23                   3. A notice of a hearing for lease termination or eviction; or
- 24                   4. Other documentation demonstrating the existence of the functional  
25                   equivalent of a Covered Proceeding as determined by the Department.

26                   **E. Engagement and Education.** Recognizing that engagement and education  
27 is critical to ensuring Tenants know their right to counsel, in addition to  
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overseeing the administration of this Program, the Department will work with partners to engage and educate Tenants about the Program.

**F. Waiver Prohibited.** Any waiver by a Tenant of the rights granted under this Program shall be void as contrary to public policy.

**G. No Private Cause of Action Against City.** This Program does not create any private cause of action against the City arising from or relating to services provided under the Program or arising from or relating to any delay or denial of services provided. Notwithstanding any other provision of law, no attorney-client relationship is established between any Tenant and the City by way of the provision of Full Scope Legal Representation under this Program or otherwise. The attorney-client relationship, privilege, and any liability rests exclusively between the Tenant and the Designated Organization.

#### **SECTION 4. RETALIATION AND HARASSMENT PROHIBITED.**

**A.** Retaliatory action against a Tenant for participating in the Program, or exercising any other legal right, is prohibited under California law.

**B.** In an action to recover possession of the rental unit, proof of the exercise by the tenant of rights under this Program or other applicable law within six months prior to the alleged act of retaliation shall create a rebuttable presumption that the landlord's act was retaliatory.

**C.** Retaliation claims may be raised as a defense in an unlawful detainer action or may be raised in other appropriate judicial proceedings and the court may consider the protections afforded by this Program in evaluating a claim of retaliation.

#### **SECTION 5. ENFORCEMENT AND ADMINISTRATIVE FINES.** The City's

Enforcement Services Division is authorized to take appropriate steps to enforce this Ordinance. The City, in its sole discretion, may choose to enforce the provisions of this Ordinance 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 provision

1 of this ordinance may be subject to an administrative fine of up to \$1,000. Each separate day,  
2 or any portion thereof, during which any violation of such ordinance occurs or continues,  
3 constitutes a separate violation.

4 **SECTION 6. URGENCY MEASURE.** Based on the findings set forth in Section  
5 1, the City Council finds and declares this ordinance to be necessary for the immediate  
6 preservation of the public health, safety and welfare and upon that basis has determined that  
7 an urgency measure, pursuant to Government Code Section 36937(b) and Culver City Charter  
8 Section 614, is warranted and shall take effect immediately upon adoption by a four-fifths vote  
9 of the City Council.

10 **SECTION 7. ENVIRONMENTAL DETERMINATION.** The City Council finds  
11 that this Ordinance is not subject to the California Environmental Quality Act ("CEQA")  
12 pursuant to CEQA guidelines, California Code of Regulations, Title 14, Chapter 3,  
13 §15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical  
14 change in the environment] and §15060(c)(3) [the activity is not a project as defined in §15378]  
15 because it has no potential for resulting in physical change to the environment, directly or  
16 indirectly.

17 **SECTION 8. EFFECTIVE DATE.** Pursuant to Culver City Charter Section 614  
18 and Government Code Section 36937(b), this Ordinance shall be introduced and adopted at  
19 one and the same meeting and shall become effective immediately.

20 **SECTION 9. SEVERABILITY.** The City Council hereby declares that, if any  
21 provision, section, subsection, paragraph, sentence, phrase or word of this Interim Ordinance  
22 is rendered or declared invalid or unconstitutional by any final action in a court of competent  
23 jurisdiction or by reason of any preemptive legislation, then the City Council would have  
24 independently adopted the remaining provisions, sections, subsections, paragraphs,  
25 sentences, phrases or words of this Interim Ordinance and as such they shall remain in full  
26 force and effect.  
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1                   **SECTION 10. PUBLICATION.** Pursuant to Sections 616 and 621 of the City  
2 Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause  
3 this Interim Ordinance, or a summary thereof, to be published in the Culver City News and  
4 shall post this Interim Ordinance or a summary thereof in at least three places within the City.

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6                   APPROVED and ADOPTED this 17<sup>th</sup> day of March 2025.

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9                   \_\_\_\_\_  
DAN O'BRIEN, Mayor  
City of Culver City, California

10  
11                   ATTEST:

12                   APPROVED AS TO FORM:

13  
14                   \_\_\_\_\_  
JEREMY BOCCHINO  
City Clerk

15                     
16                   \_\_\_\_\_  
HEATHER BAKER  
City Attorney