

ORDINANCE NO. 2025 _____

**AN INTERIM ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, ESTABLISHING A TENANT RIGHT TO COUNSEL
PROGRAM FOR A PERIOD OF 12-MONTHS**

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 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 with income levels at or
13 below 80% of the area median income who reside in a Rental Unit within the
14 jurisdictional boundaries of the City.

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

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

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

27 **E. Engagement and Education.** Recognizing that engagement and education
28 is critical to ensuring Tenants know their right to counsel, in addition to

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

1 Ordinance through the administrative citation process set forth in Chapter 1.02 of the CCMC.
2 Notwithstanding any provision in Chapter 1.02 to the contrary, each violation of any provision
3 of this Interim Ordinance may be subject to an administrative fine of up to \$1,000. Each
4 separate day, or any portion thereof, during which any violation of such Interim Ordinance
5 occurs or continues, constitutes a separate violation.

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7 **SECTION 6. INTERIM ORDINANCE.** In order to evaluate the effectiveness of
8 the Program, this ordinance will be in effect for twelve (12) months after its effective date,
9 expiring on May 14, 2026. Prior to the expiration of this Ordinance, staff is directed to return
10 with a study of its effectiveness comparing it to the prior twelve (12) month period.

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

19 **SECTION 8. SEVERABILITY.** The City Council hereby declares that, if any
20 provision, section, subsection, paragraph, sentence, phrase or word of this Interim Ordinance
21 is rendered or declared invalid or unconstitutional by any final action in a court of competent
22 jurisdiction or by reason of any preemptive legislation, then the City Council would have
23 independently adopted the remaining provisions, sections, subsections, paragraphs,
24 sentences, phrases or words of this Interim Ordinance and as such they shall remain in full
25 force and effect.

26 **SECTION 9. EFFECTIVE DATE.** Pursuant to Section 619 of the City Charter,
27 this Ordinance shall take effect thirty (30) after its adoption. Pursuant to Section 616 and 621
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1 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk
2 shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and
3 shall post this Ordinance or a summary thereof in at least three (3) places within the City.


4 APPROVED and ADOPTED this ___ day of April 2025.

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8 DAN O'BRIEN, Mayor
City of Culver City, California

9
10 ATTEST:

11 APPROVED AS TO FORM:

12
13 JEREMY BOCCHINO
City Clerk

14 
15 HEATHER BAKER
City Attorney