

RESOLUTION NO. 2022-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE APRIL 29, 2022 FORTY-SECOND SUPPLEMENT TO PUBLIC ORDER (TERMINATION OF COMMERCIAL TENANT EVICTION MORATORIUM AND ESTABLISHMENT OF REPAYMENT PLANS) ISSUED BY THE CITY MANAGER, AS DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, DUE TO THE CORONAVIRUS RESPIRATORY DISEASE (COVID-19) PANDEMIC.

WHEREAS, pursuant to the authority granted by Culver City Municipal Code (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the outbreak and spread of the Coronavirus respiratory disease (COVID-19), which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Such action followed the Los Angeles County Department of Public Health's and the Chair of the Board of Supervisor's declarations of a local health emergency and the State of California's declaration of a State of Emergency on March 4, 2020, and the President's declaration of a National Emergency on March 13, 2020; and

WHEREAS, during this unprecedented time, various orders have been issued by the State of California and the Los Angeles County Department of Public Health, as well as a number of our neighboring communities, designed to protect both residential and commercial tenants from eviction during the COVID-19 pandemic; and

WHEREAS, On March 20, 2020, the City Manager issued a First Supplement to Public Order, which included, among other things, protections for commercial tenants against evictions based on an inability to pay rent due to COVID-19 related circumstances

1 (“Commercial Tenant Eviction Moratorium” or “CTEM”). The CTEM has been updated eight
2 times, with the most recent update being issued on February 25, 2021; and

3 WHEREAS, during the course of the last year, economic recovery has been
4 slowly but steadily progressing and many cities in the region terminated their commercial
5 tenant eviction moratoria during summer and fall of 2021; and

6 WHEREAS, on March 14, 2022, the City Council discussed the status of the
7 CTEM and provided direction to the City Manager: (1) to terminate the Moratorium Period of
8 the CTEM July 31, 2022 or the termination of the Local Emergency, whichever occurs earlier;
9 (2) to retain the 12-month grace period for the repayment of back rent (“Back Rent”); and (3) to
10 establish additional repayment options for tenants to select, including a 24-month or 30-month
11 graduated payment plan for the repayment of Back Rent, which repayment plan would be
12 superseded by any repayment plan agreed upon in writing as between a landlord and tenant.
13 The City Council also confirmed landlords may not charge late fees or penalties on any Back
14 Rent owed; and
15
16

17 WHEREAS, on April 29, 2022, the City Manager issued a Forty-Second
18 Supplement to Public Order (“April 29 Order”) consistent with the with the City Council’s
19 direction. The CTEM Implementation Measures were concurrently amended consistent with
20 the April 29 Order.

21 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
22 HEREBY RESOLVE as follows:
23

24 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
25 confirms the Forty-Second Supplement to Public Order issued by the Director of Emergency
26 Services on April 29, 2022, attached hereto as Exhibit A and incorporated herein as though
27 fully set forth.
28

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

3. This Resolution shall take effective immediately upon its adoption.

APPROVED and ADOPTED this _____ day of _____ 2022.

DR. DANIEL LEE, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY BOCCHINO
City Clerk

HEATHER BAKER
City Attorney

A22-00057



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE
CITY OF CULVER CITY

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**Forty-Second Supplement to Public Order Under
City of Culver City Emergency Authority**

Issue Date: April 29, 2022

**Subject: Termination of Commercial Tenant Eviction Moratorium and
Repayment of Back Rent**

On March 14, 2020, pursuant to the authority granted by Culver City Municipal Code ("CCMC") Section 3.09.020.B1.a, in my capacity as Director of Emergency Services, I issued a Proclamation of Local Emergency ("Local Emergency") due to the outbreak and spread of the coronavirus respiratory disease ("COVID-19") pandemic.

During this time, various orders have been issued by the State of California and the Los Angeles County Department of Public Health, as well as neighboring communities, designed to protect both residential and commercial tenants from eviction during the COVID-19 pandemic.

On March 20, 2020, I issued a First Supplement to the Public Order, which included, among other things, protections for commercial tenants against evictions based on an inability to pay rent due to COVID-19 related circumstances ("Commercial Tenant Eviction Moratorium" or "CTEM"). The CTEM has been updated eight times, with the most recent update being issued on February 25, 2021.

On February 22, 2021, the City Council considered recommendations from the Economic Development Subcommittee with regard to proposed modifications to the CTEM and directed the City Manager (1) to extend the CTEM through the end of the Local Emergency; (2) to modify the definition of "Commercial Tenant" to exclude, effective March 1, 2021, any company that, together with that company's parent, subsidiary, affiliated, and related companies, employed 200 or more employees on March 20, 2020; (3) effective April 1, 2021, to require commercial tenants to pay 25% of the current rent due each month in order to qualify for eviction protection under the CTEM; and (4) to refer landlords and tenants to mediation services at LA Represents, a coalition of law firms, bar associations and attorneys who will provide COVID-19-related legal services free of charge as part of their pro bono commitments. The City Council further directed staff to use its discretion to enhance the documentation requirements of the CTEM Implementation Measures in order to facilitate a clearer understanding of those requirements by landlords and tenants.

On February 25 and March 10, 2021, respectively, I issued the Thirty-Fourth Supplement to Public Order and Ninth Amended CTEM Implementation Measures, consistent with the City Council's direction.

During the course of the last year, economic recovery has been slowly but steadily progressing and many cities in the region terminated their commercial tenant eviction moratoria during summer and fall of 2021.

On March 14, 2022, the City Council discussed the status of the CTEM and provided direction to the City Manager: (1) to terminate the Moratorium Period of the CTEM July 31, 2022 or the termination of the Local Emergency, whichever occurs earlier; (2) to retain the 12-month grace period for the repayment of back rent ("Back Rent"); and (3) to establish additional repayment options for tenants to select, including a 24-month or 30-month graduated payment plan for the repayment of Back Rent, which payment plan would be superseded by any payment plan agreed upon in writing as between a landlord and tenant. The City Council also confirmed landlords may not charge late fees or penalties on any Back Rent owed.

By virtue of the 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 ("Public Order"):

1. The Moratorium Period of the Commercial Tenant Eviction Moratorium shall terminate on July 31, 2022 or the termination of the Local Emergency (as determined by resolution of the City Council), whichever occurs earlier (the "Moratorium Termination Date").
2. In order to receive the protections of the Commercial Tenant Eviction Moratorium during the payment of Back Rent, tenants must select and adhere to one of the following repayment plans, as further detailed in the Tenth Amended Rules and Implementation Measures issued on April 29, 2022:
 - a. Repayment of Back Rent in full within 12 months after the Moratorium Termination Date;
 - b. 24-month graduated repayment plan;
 - c. 30-month graduated repayment plan; or
 - d. Any other repayment plan mutually agreed upon in writing by landlord and tenant.
3. No late fees or interest shall be charged to the tenant on Back Rent owed.

4. The CTEM Implementation Measures shall be further amended to be consistent with this Public Order in all respects, including any amendments that may enhance the clarity of the procedures established therein.
5. Except as amended hereby, the provisions of the Commercial Tenant Eviction Moratorium shall remain in full force and effect.
6. The tenant protections provided during the period of repayment of Back Rent shall survive the expiration of this Public Order.

Pursuant to the authority set forth in Ordinance No. 2020-007, each and every violation of the CTEM 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.

Any violation of this Public Order may also be enforced under the CCMC, which provides for criminal penalties not to exceed \$1,000 or imprisonment not to exceed six months or both. Individual officers should use their discretion in enforcing this Public Order and always keep the intent of this Public Order in mind.

This Public Order shall be effective immediately and shall remain in effect through the Moratorium Termination Date ("Expiration"). This Public Order may be superseded, amended, modified, extended or rescinded prior to its Expiration. The tenant protections provided during the period of repayment of Back Rent shall survive the Expiration of this Public Order.

Date: 4/29/2022



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