

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
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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:
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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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1 proceedings subject to the availability of funding and annual budget
2 appropriations.

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

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

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

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

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

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

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

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

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

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

27 I. "**Tenancy**" is defined in Culver City Municipal Code Section 15.09.305.
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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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1 overseeing the administration of this Program, the Department will work with
2 partners to engage and educate Tenants about the Program.

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

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

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

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

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

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

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

25 Enforcement Services Division is authorized to take appropriate steps to enforce this
26 Ordinance. The City, in its sole discretion, may choose to enforce the provisions of this
27 Ordinance through the administrative citation process set forth in Chapter 1.02 of the CCMC.
28 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 17th day of March 2025.

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

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11 ATTEST:

APPROVED AS TO FORM:

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14 _____
JEREMY BOCCHINO
City Clerk

15 _____
HEATHER BAKER
City Attorney