

RESOLUTION NO. 2020 _____

1
2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**
3 **CULVER CITY, CALIFORNIA, CONFIRMING THE MARCH 27,**
4 **2020 SECOND SUPPLEMENT TO PUBLIC ORDER ISSUED BY**
5 **THE CITY MANAGER, AS THE DIRECTOR OF EMERGENCY**
6 **SERVICES, UNDER CITY OF CULVER CITY EMERGENCY**
7 **AUTHORITY, EXPANDING THE RESIDENTIAL TENANT**
8 **EVICTION MORATORIUM TO PROHIBIT ALL EVICTIONS OF**
9 **RESIDENTIAL TENANTS THROUGH MAY 31, 2020, SUBJECT**
10 **TO CERTAIN LIMITED EXCEPTIONS, AND ENFORCEMENT**
11 **THEREOF, DUE TO CORONAVIRUS RESPIRATORY DISEASE**
12 **(COVID-19) PANDEMIC.**

13 WHEREAS, since February 2020, the City of Culver City has been part of a
14 coordinated response involving the federal Centers for Disease Control and Prevention, the
15 California Department of Public Health, and the Los Angeles County Department of Public
16 Health as a result of the rapidly evolving multinational outbreak of the coronavirus respiratory
17 disease (COVID-19); and

18 WHEREAS, pursuant to the authority granted by Culver City Municipal Code
19 (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of
20 Emergency Services, issued a Proclamation of Local Emergency due to the outbreak and
21 spread of Coronavirus (COVID-19), which was ratified by the City Council on March 18, 2020
22 by Resolution No. 2020-R015. Such action followed the Los Angeles County Department of
23 Public Health's and the Chair of the Board of Supervisor's declarations of a local health
24 emergency and the State of California's declaration of a State of Emergency on March 4,
25 2020, and the President's declaration of a National Emergency on March 13, 2020; and

26 WHEREAS, as of April 1, 2020, the World Health Organization reports 827,419
27 confirmed COVID-19 cases globally and 40,777 deaths; Johns Hopkins University reports
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1 189,753 cases nationally, with 4,090 deaths, and 8584 reported California cases with 183
2 deaths; and the Los Angeles County Department of Public Health reports 3,037 cases and 54
3 deaths, which includes 15 cases and one death in Culver City. As there is a rapid increase in
4 cases and ongoing significant risk of infection throughout the United States and the State of
5 California, the federal Centers for Disease Control and Prevention and the California
6 Department of Public Health are recommending that counties and cities throughout the U.S.
7 continue to actively address the COVID-19 pandemic and implement aggressive measures to
8 prevent the spread of COVID-19; and
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10 WHEREAS, the Governor of the State of California has stated that individuals
11 exposed to COVID-19 may be temporarily unable to report to work, due to illness caused by
12 COVID-19 or quarantines related to COVID-19, and individuals directly affected by COVID-19
13 may experience potential loss of income, health care and medical coverage, and ability to pay
14 for housing and basic needs, thereby placing increased demands on already strained regional
15 and local health and safety resources, including shelters and food banks; and
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17 WHEREAS, loss of income as a result of COVID-19 may inhibit City residents
18 and businesses from fulfilling their financial obligations. As a result, further economic impacts
19 are anticipated, leaving both residential and commercial tenants vulnerable to eviction; and
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21 WHEREAS, during this unprecedented time, various orders have been issued by
22 the State of California and the Los Angeles County Department of Public Health, as well as a
23 number of Culver City's neighboring communities, designed to protect both residential and
24 commercial tenants from eviction during the COVID-19 pandemic. Among these, the
25 Governor of the State of California issued Executive Order N-28-20 on March 16, 2020, which
26 provides local jurisdictions the authority, based on their particular needs, to determine local
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1 measures to promote housing security and stability and to protect public health by mitigating
2 the economic impacts of COVID-19 on residential tenants; and to determine that promoting
3 stability amongst commercial tenancies economically impacted by COVID-19 is also
4 conducive to public health. Subsequently, on March 27, 2020 the Governor issued Executive
5 Order N-37-20, which imposes a state-wide 60-day suspension of unlawful detainer
6 proceedings in cases where nonpayment of rent is due to reasons related to COVID-19. As
7 another indicator of the critical need for residents to shelter in place, the Governor's March 27,
8 2020 Executive Order expressly preserves local authority to order any public health measure
9 that may compel an individual to remain physically present in a particular residential property;
10 and
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12 WHEREAS, another of these orders was issued by Los Angeles Mayor, Eric
13 Garcetti, on March 23, 2020, (which was revised on March 24, 2020) expanding Los Angeles'
14 residential tenant eviction moratorium to prohibit (1) evictions of residential tenants if the
15 eviction is a "no-fault eviction" and any member of the household is ill, in isolation, or under
16 quarantine; and (2) evictions based on the removal of the unit from the rental market under the
17 Ellis Act, until 60 days after the expiration of the Los Angeles City order; and
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19 WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020,
20 the City Manager, as Director of Emergency Services, issued a Public Order enacting new City
21 measures to protect members of the public and City workers from undue risk of COVID-19
22 ("March 16 Order"), which included, among other things, the imposition of a moratorium on
23 residential tenant evictions ("Residential Tenant Eviction Moratorium"). The Residential
24 Tenant Eviction Moratorium stipulated that no landlord shall evict a residential tenant in the
25 City of Culver City during this local emergency period if the tenant documents an inability to
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1 pay rent due to circumstances related to the COVID-19 pandemic. The March 16 Order went
2 into effect at 11:59 p.m. on March 16, 2020 and remains in effect until 11:59 p.m. on April 19,
3 2020 (per a March 20, 2020 supplemental order extending its duration); and

4 WHEREAS, on March 26, 2020, in response to growing evidence of the critical
5 need for residents to shelter in place, the City Council, at a Special Meeting, considered
6 further expanding the Residential Tenant Eviction Moratorium. Finding a compelling public
7 interest in protecting the public health and safety and the health and safety of tenants who are
8 facing eviction, and in ensuring that residents have a home in which to shelter in place during
9 this critical health crisis, the City Council directed the City Manager to expand the Residential
10 Tenant Eviction Moratorium to prohibit all evictions of residential tenants through May 31,
11 2020, subject to certain limited exceptions. Also during its March 26, 2020 meeting, the City
12 Council adopted an Urgency Ordinance (Ordinance No. 2020-007) confirming the March 20
13 Order and, among other things, authorizing the enforcement of any violation of the Residential
14 Tenant Eviction Moratorium or the Commercial Tenant Eviction Moratorium by the issuance of
15 administrative fines up to \$1,000 for each violation; and

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18 WHEREAS, on March 27, 2020, the City Manager, pursuant to the provisions of
19 CCMC Section 3.09.020.B.1.h(2), issued a second supplemental order, consistent with the
20 City Council's March 26th direction, extending the Residential Tenant Eviction Moratorium
21 through May 31, 2020 and expanding its scope ("March 27 Order"). In addition, pursuant to
22 the authority of Ordinance No. 2020-006 and this Resolution, as well as the requirements of
23 the March 27 Order, the City Manager will be issuing Amended Implementation Measures to
24 effectuate the Residential Tenant Eviction Moratorium, on or before April 3, 2020.
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1 **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**
2 **HEREBY RESOLVE** as follows:

3 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
4 confirms the Second Supplement to Public Order issued by the Director of Emergency
5 Services on March 27, 2020, attached hereto as Exhibit A and incorporated herein as though
6 fully set forth.

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


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

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15 APPROVED and ADOPTED this _____ day of _____ 2020.

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18 _____
19 MEGHAN SAHLI-WELLS, MAYOR
 City of Culver City, California

20 ATTEST:

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22 _____
23 JEREMY GREEN
 City Clerk

20 APPROVED AS TO FORM:
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22 
23 CAROL A. SCHWAB
24 City Attorney

24 A20-00139

EXHIBIT A TO RESOLUTION NO. 2020-

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

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JOHN M. NACHBAR
CITY MANAGER

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

Issue Date: March 27, 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 rapid increase in 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.

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.

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. Among these, the Governor of the State of California issued Executive Order N-28-20 on March 16, 2020, which provides local jurisdictions the authority, based on their particular needs, to determine local measures to promote housing security and stability and to protect public health by mitigating the economic impacts of COVID-19 on residential tenants; and to determine that promoting stability amongst commercial tenancies economically impacted by COVID-19 is also conducive to public health. On March 27, 2020 the Governor issued Executive Order N-37-20, which imposes a state-wide 60-day suspension of unlawful detainer proceedings in cases where nonpayment of rent is due to reasons related to COVID-19. As another indicator of the critical need for residents to shelter in place, the Governor's March 27, 2020 Executive Order expressly preserves local authority to order any public health measure that may compel an individual to remain physically present in a particular residential property.

On March 16, 2020, under the authority of Culver City Municipal Code (CCMC) Section 3.09.020, I, issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19 ("March 16 Order"), which included, among other things, the imposition of a moratorium on residential tenant evictions ("Residential Tenant Eviction Moratorium"). The Residential Tenant Eviction Moratorium stipulates that no landlord shall evict a residential tenant in the City of Culver City during this local emergency period if the tenant documents an inability to pay rent due to circumstances related to the COVID-19 pandemic. The March 16 Order went into effect at 11:59 p.m. on March 16, 2020 and remains in effect until 11:59 p.m. on April 19, 2020 (per a March 20, 2020 supplemental order extending its duration).

The March 16 Order was subsequently confirmed by the City Council on March 18, 2020 by an Urgency Ordinance (Ordinance No. 2020-006). Pursuant to the authority granted under Ordinance No. 2020-006, on March 20, 2020, I issued *Rules and Implementation Measures Regarding Residential Tenant Eviction Moratorium* to effectuate the intent of the Residential Tenant Eviction Moratorium. Also on March 20, 2020, I issued a First Supplement to Public Order ("March 20 Order"), which included protections for commercial tenants against evictions based on an inability to pay rent due to COVID-19 related circumstances ("Commercial Tenant Eviction Moratorium").

Most recently, on March 23, 2020, Los Angeles Mayor, Eric Garcetti, issued a new public order (which was revised on March 24, 2020) expanding Los Angeles' residential tenant eviction moratorium to prohibit (1) evictions of residential tenants if the eviction is a "no-fault eviction" and any member of the household is ill, in isolation, or under quarantine; and (2) evictions based on the removal of the unit from the rental market under the Ellis Act, until 60 days after the expiration of the Los Angeles City order.

On March 26, 2020, in response to growing evidence of the critical need for residents to shelter in place, the Culver City City Council considered further expanding the Residential Tenant Eviction Moratorium. Finding a compelling public interest in protecting the public health and safety and the health and safety of tenants who are facing eviction, and in ensuring that residents have a home in which to shelter in place during this critical health crisis, the City Council directed the City Manager to expand the Residential Tenant Eviction Moratorium to prohibit all evictions of residential tenants through May 31, 2020, subject to certain limited exceptions. Also during its March 26, 2020 meeting, the City Council adopted an Urgency Ordinance (Ordinance No. 2020-007) confirming the March 20, 2020 Order and, among other things, authorizing the enforcement of any violation of the Residential Tenant Eviction Moratorium or the Commercial Tenant Eviction Moratorium by the issuance of administrative fines up to \$1,000 for each violation.

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. No landlord shall evict a residential tenant in the City of Culver City for the duration of this Public Order for any reason, except under one or more of the following circumstances:
 - a. Nonpayment of rent where the tenant cannot claim an inability to pay; or
 - b. The tenant is using the rental unit for an illegal purpose and has failed to correct the condition after being given notice and opportunity to cure; or
 - c. The tenant's refusal to allow the owner to enter the rental unit as authorized by Section 1954 of the Civil Code and Sections 13113.7 and 17926.1 of the Health and Safety Code, except in cases where an occupant of the rental unit has been ordered to self isolate or remain in quarantine and the owner's entry to the unit would violate such order; or
 - d. The tenant has created or is maintaining a dangerous and unsanitary condition and that condition has not been promptly abated or repaired; provided that, the landlord gives written notice to the tenant and to the City, describing in detail the nature of the dangerous and unsanitary condition, the reason eviction is necessary, and the steps taken by the landlord to avoid eviction. The City may request additional documentation and may order suspension of the eviction process if it determines that suspension is necessary in order to prevent abuse of the intent of this Public Order; or
 - e. In cases where eviction is necessary to address an imminent and objectively verifiable threat to the health or safety of a member of the tenant's household or other residents of the rental property, or to the landlord or landlord's employees; provided that, the landlord gives written notice to the tenant and to the City, describing in detail the nature of the imminent threat, the reason eviction is necessary to address the threat, and the steps taken by the landlord to avoid eviction. The City may request additional documentation and may order suspension of the eviction process if it determines that suspension is necessary in order to prevent abuse of the intent of this Public Order.
2. Nothing in this Public Order shall be construed to relieve tenants of liability for unpaid rent. Tenants will have a period of six months following the expiration of this Public Order to repay any back rent due.
3. Tenants may use the protections afforded in this Public Order as an affirmative defense in an unlawful detainer action.

4. The Residential Tenant Eviction Moratorium set forth in this Public Order shall apply to any eviction notice and unlawful detainer action described in this Public Order, regardless of the date it is served or filed, if the tenant has not vacated the rental unit as of the effective date of this Public Order.
5. A landlord is further prohibited from charging or collecting late charges or fees when payment of rent is delayed during the period this Public Order is in effect.
6. Pursuant to the authority set forth in Section 3.C of Ordinance No. 2020-006, I will issue, under separate action, amended *Rules and Implementation Measures Regarding Residential Tenant Eviction Moratorium* ("Amended Implementation Measures"), consistent with this Public Order. The Amended Implementation Measures shall be issued within seven calendar days of the issuance of this Public Order.
7. The Amended Implementation Measures, when issued, shall be incorporated into this Public Order and made a part hereof as though fully set forth herein.
8. Pursuant to the authority set forth in Ordinance No. 2020-007, notwithstanding any provision in CCMC Chapter 1.02 to the contrary, each violation of any of the provisions of the Residential Tenant Eviction Moratorium, this Public Order and the 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 a tenant's rights to pursue civil remedies.

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 expands and supplements the Residential Tenant Eviction Moratorium contained in the March 16, 2020 Public Order and confirmed in Ordinance No. 2020-006 adopted on March 18, 2020, and neither the Residential Tenant Eviction Moratorium nor this Public Order shall be deemed to diminish, or deprive residential tenants of, any of the protections provided therein and herein.

If any provision of this Public Order or the application of any such provision to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of this Public Order or of the March 16, 2020 Public Order that can be given effect without the invalid provision or application, and to this end the provisions of this Public Order and the March 16 Order are severable.

This Public Order shall be effective at 11:59 p.m. on March 27, 2020 and shall remain in effect until 11:59 p.m. on May 31, 2020.

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

Date: 3/27/2020



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