

RESOLUTION NO. 2020\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE APRIL 7, 2020 FIFTH SUPPLEMENT TO PUBLIC ORDER ISSUED BY THE CITY MANAGER, AS THE DIRECTOR OF EMERGENCY SERVICES, UNDER CITY OF CULVER CITY EMERGENCY AUTHORITY, EXTENDING THE COMMERCIAL TENANT EVICTION MORATORIUM THROUGH MAY 31, 2020, DUE TO CORONAVIRUS RESPIRATORY DISEASE (COVID-19) PANDEMIC.

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

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 Coronavirus (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, as of April 7, 2020, the World Health Organization reports 1,282,931 confirmed COVID-19 cases globally and 72,774 deaths; Johns Hopkins University reports 383,256 cases nationally, with 11,851 deaths, and 16,429 cases in California, with 397 deaths;

1 and the Los Angeles County Department of Public Health reports 6,9107 cases and 169  
2 deaths, which includes 27 cases and one death in Culver City. As there is a rapid increase in  
3 cases and ongoing significant risk of infection throughout the United States and the State of  
4 California, the federal Centers for Disease Control and Prevention and the California  
5 Department of Public Health are recommending that counties and cities throughout the U.S.  
6 continue to actively address the COVID-19 pandemic and implement aggressive measures to  
7 prevent the spread of COVID-19; and  
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9 WHEREAS, the Governor of the State of California has stated that individuals  
10 exposed to COVID-19 may be temporarily unable to report to work, due to illness caused by  
11 COVID-19 or quarantines related to COVID-19, and individuals directly affected by COVID-19  
12 may experience potential loss of income, health care and medical coverage, and ability to pay  
13 for housing and basic needs, thereby placing increased demands on already strained regional  
14 and local health and safety resources, including shelters and food banks; and  
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16 WHEREAS, loss of income as a result of COVID-19 may inhibit City residents  
17 and businesses from fulfilling their financial obligations. As a result, further economic impacts  
18 are anticipated, leaving both residential and commercial tenants vulnerable to eviction; and  
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20 WHEREAS, during this unprecedented time, various orders have been issued by  
21 the State of California and the Los Angeles County Department of Public Health, as well as a  
22 number of Culver City's neighboring communities, designed to protect both residential and  
23 commercial tenants from eviction during the COVID-19 pandemic. Among these, the  
24 Governor of the State of California issued Executive Order N-28-20 on March 16, 2020, which  
25 provides local jurisdictions the authority, based on their particular needs, to determine local  
26 measures to promote housing security and stability and to protect public health by mitigating  
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1 the economic impacts of COVID-19 on residential tenants; and to determine that promoting  
2 stability amongst commercial tenancies economically impacted by COVID-19 is also  
3 conducive to public health. Subsequently, on March 27, 2020 the Governor issued Executive  
4 Order N-37-20, which imposes a state-wide 60-day suspension of unlawful detainer  
5 proceedings in cases where nonpayment of rent is due to reasons related to COVID-19; and

6 WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020,  
7 the City Manager, as Director of Emergency Services, issued a Public Order enacting new City  
8 measures to protect members of the public and City workers from undue risk of COVID-19  
9 ("March 16 Order"), which included, among other things, the imposition of a moratorium on  
10 residential tenant evictions ("Residential Tenant Eviction Moratorium"). The Residential  
11 Tenant Eviction Moratorium stipulated that no landlord shall evict a residential tenant in the  
12 City of Culver City during this local emergency period if the tenant documents an inability to  
13 pay rent due to circumstances related to the COVID-19 pandemic. The initial Residential  
14 Eviction Moratorium went into effect at 11:59 p.m. on March 16, 2020 and remained in effect  
15 until 11:59 p.m. on April 19, 2020 (per a supplemental order extending its duration); and

16 WHEREAS, on March 20, 2020, the City Manager issued a First Supplement to  
17 Public Order ("March 20 Order"), which included, among other things, protections for  
18 commercial tenants against evictions based on an inability to pay rent due to COVID-19  
19 related circumstances ("Commercial Tenant Eviction Moratorium"). The March 20 Order went  
20 into effect at 11:59 p.m. on March 20, 2020 and remains in effect until 11:59 p.m. on April 19,  
21 2020; and

22 WHEREAS, on March 26, 2020, in response to growing evidence of the critical  
23 need for residents to shelter in place, the City Council, at a Special Meeting, considered  
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1 further expanding the Residential Tenant Eviction Moratorium. Finding a compelling public  
2 interest in protecting the public health and safety and the health and safety of tenants who are  
3 facing eviction, and in ensuring that residents have a home in which to shelter in place during  
4 this critical health crisis, the City Council directed the City Manager to expand the Residential  
5 Tenant Eviction Moratorium to prohibit all evictions of residential tenants through May 31,  
6 2020, subject to certain limited exceptions; and

7  
8 WHEREAS, on March 27, 2020, the City Manager, issued a Second Supplement  
9 to Public Order, consistent with the City Council's March 26th direction, extending the  
10 Residential Tenant Eviction Moratorium through May 31, 2020 and expanding its scope  
11 ("March 27 Order"), which was confirmed by the City Council on April 2, 2020; and

12 WHEREAS, as economic impacts continue, affecting both residential and  
13 commercial tenants and their ability to fulfill their financial obligations, including the payment of  
14 rent, the City Manager issued a Fifth Supplement to Public Order on April 7, 2020, which  
15 extended the Commercial Tenant Eviction Moratorium through May 31, 2020.

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17 NOW, THEREFORE, the City Council of the City of Culver City, California,  
18 DOES HEREBY RESOLVE as follows:

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20 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby  
21 confirms the Fifth Supplement to Public Order issued by the Director of Emergency Services  
22 on April 7, 2020, attached hereto as Exhibit A and incorporated herein as though fully set forth.

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

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

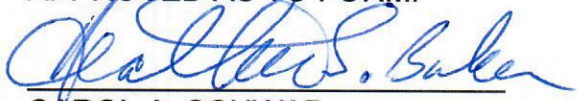
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5 APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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8 MEGHAN SAHLI-WELLS, MAYOR  
9 City of Culver City, California

10 ATTEST:

11 APPROVED AS TO FORM:

12 \_\_\_\_\_  
13 JEREMY GREEN  
14 City Clerk

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16 CAROL A. SCHWAB  
17 for City Attorney

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**JOHN M. NACHBAR**  
CITY MANAGER

**CITY MANAGER'S OFFICE**

**CITY OF CULVER CITY**

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

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**Fifth Supplement to Public Order Under  
City of Culver City Emergency Authority**

**Issue Date: April 7, 2020**

**Subject: Extension of Commercial Tenant Eviction Moratorium**

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.

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 stipulated 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 initial Residential Eviction Moratorium went into effect at 11:59 p.m. on March 16, 2020 and remained in effect until 11:59 p.m. on April 19, 2020 (per a supplemental order extending its duration).

On March 20, 2020, I issued a First Supplement to Public Order ("March 20 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"). The March 20 Order went into effect at 11:59 p.m. on March 20, 2020 and remains in effect until 11:59 p.m. on April 19, 2020.

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.

On March 27, 2020, I issued a Second Supplement to Public Order extending the Residential Tenant Eviction Moratorium through May 31, 2020 and expanding its scope, consistent with the City Council's March 26th direction ("March 27 Order"), which was confirmed by the City Council on April 2, 2020.

As economic impacts continue, affecting both residential and commercial tenants and their ability to fulfill their financial obligations, including the payment of rent, I have determined that an extension of the Commercial Tenant Eviction Moratorium is warranted.

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 Commercial Tenant Eviction Moratorium, established by the March 20 Order and confirmed by the City Council on March 26, 2020, is extended through 11:59 p.m. on May 31, 2020.
2. All other provisions of the March 20 Order, not specifically amended herein, shall remain in full force and effect through 11:59 p.m. on April 19, 2020.

Consistent with Section 4 of Ordinance No. 2020-007, each and every violation of the Commercial Tenant Eviction Moratorium 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 at 11:59 p.m. on April 7, 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: 4/7/2020



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