

RESOLUTION NO. 2020_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE MAY 19, 2020 TWELFTH SUPPLEMENT TO PUBLIC ORDER (EXTENSION OF RESIDENTIAL AND COMMERCIAL TENANT EVICTION MORATORIA AND EXCEPTIONS TO COMMERCIAL TENANT EVICTION MORATORIUM) 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, 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 ("Local Emergency"). 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

1 WHEREAS, as of May 20, 2020, Johns Hopkins University reported 4,995,127
2 confirmed COVID-19 cases globally and 328,079 deaths; 1,551,102 cases nationally, with
3 93,416 deaths; and 83,869 cases in California, with 3,485 deaths. Further, as of May 20,
4 2020, the Los Angeles County Department of Public Health reported 40,857 cases in Los
5 Angeles County with 1,970 deaths, which includes 130 cases and 14 deaths in Culver City.
6 As there is a rapid increase in cases and ongoing significant risk of infection throughout the
7 United States and the State of California, the federal Centers for Disease Control and
8 Prevention and the California Department of Public Health are recommending that counties
9 and cities throughout the U.S. continue to actively address the COVID-19 pandemic and
10 implement aggressive measures to prevent the spread of COVID-19; and
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12 WHEREAS, during this unprecedented time, various orders have been issued by
13 the State of California and the Los Angeles County Department of Public Health, as well as a
14 number of our neighboring communities, designed to protect both residential and commercial
15 tenants from eviction during the COVID-19 pandemic; and
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17 WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020,
18 the City Manager issued a Public Order enacting City measures to protect members of the
19 public and City workers from undue risk of COVID-19, which included, among other things,
20 the imposition of a moratorium on residential tenant evictions ("Residential Tenant Eviction
21 Moratorium" or "RTEM"), prohibiting a landlord from evicting a residential tenant in the City of
22 Culver City during this local emergency period if the tenant documents an inability to pay rent
23 due to circumstances related to the COVID-19 pandemic; and
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25 WHEREAS, On March 20, 2020, the City Manager issued a First Supplement to
26 Public Order ("March 20 Order"), which included, among other things, protections for
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1 commercial tenants against evictions based on an inability to pay rent due to COVID-19
2 related circumstances ("Commercial Tenant Eviction Moratorium" or "CTEM"); and

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

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11 WHEREAS, on March 27, 2020, the City Manager issued a Second Supplement
12 to Public Order extending the Residential Tenant Eviction Moratorium through May 31, 2020
13 and expanding its scope, consistent with the City Council's direction; and

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15 WHEREAS, on April 7, 2020, as economic impacts continued, affecting both
16 residential and commercial tenants and their ability to fulfill their financial obligations,
17 including the payment of rent, the City Manager issued a Fifth Supplement to Public Order
18 extending the Commercial Tenant Eviction Moratorium through May 31, 2020; and

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20 WHEREAS, on April 27, 2020, finding there to be a public interest in ensuring
21 tenants have a sufficient recovery period once the Eviction Moratoria have expired, preserving
22 and increasing housing security and stability, and preventing residents from falling into
23 homelessness due to this health crisis, the City Council directed the City Manager to extend
24 the period for the payment of unpaid rent that accrued during the Eviction Moratoria ("Back
25 Rent") to 12 months after the expiration of the Eviction Moratoria; and
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1 WHEREAS, on April 28, 2020, the City Manager issued an Eighth Supplement to
2 Public Order consistent with City Council's April 27th direction; and

3 WHEREAS, On May 11 and May 18, 2020, respectively, the City Council
4 discussed possible options for including repayment plan provisions in the RTEM
5 implementation measures (at the May 11 meeting) and CTEM implementation measures (at
6 the May 18 meeting), in order to ensure that tenants are not faced with unmanageable
7 "balloon payments" at the end of the applicable grace periods, and risk eviction for
8 nonpayment of Back Rent. The City Council directed the City Manager to include provisions
9 in the respective implementation measures to encourage and incentivize a landlord and
10 tenant to negotiate a repayment plan over the applicable grace periods. Consistent with the
11 City Council's direction, the RTEM implementation measures were amended on May 12, 2020
12 and the CTEM implementation measures were amended on May 20, 2020; and

15 WHEREAS, also at its May 18, 2020 meeting, the City Council directed the City
16 Manager to (1) extend the Residential Tenant and Commercial Tenant Eviction Moratoria to
17 August 31, 2020 or the end of the Local Emergency, whichever occurs earlier; (2) exclude
18 from the CTEM multi-national companies, publicly traded companies, or companies that
19 employ 200 or more employees; and (3) reduce the grace period for the repayment of Back
20 Rent from 12 months to 6 months for commercial tenants that have 10 or more, but less than
21 200, employees; and

23 WHEREAS, on May 19, 2020, the City Manager issued the Twelfth Supplement
24 to Public Order consistent with the City Council's May 18th direction ("May 19 Order"). The
25 respective implementation measures were also amended consistent with the May 19 Order.
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1 NOW, THEREFORE, the City Council of the City of Culver City, California,
2 DOES HEREBY RESOLVE as follows:

3 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
4 confirms the Twelfth Supplement to Public Order issued by the Director of Emergency
5 Services on May 19, 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.

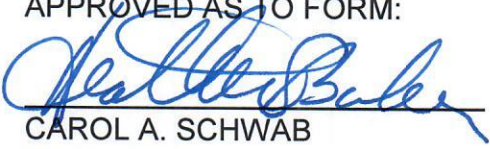
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15 APPROVED and ADOPTED this _____ day of _____ 2020.

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GÖRAN ERIKSSON, MAYOR
City of Culver City, California

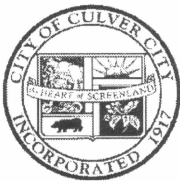
19 ATTEST:

20 APPROVED AS TO FORM:

21 _____
JEREMY GREEN
22 City Clerk

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CAROL A. SCHWAB
24 City Attorney
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A20-00198



JOHN M. NACHBAR
CITY MANAGER

CITY MANAGER'S OFFICE

CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000

FAX (310) 253-6010

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

Issue Date: May 19, 2020

Subject: Extension of and Exceptions to Eviction Moratoria

On March 14, 2020, I issued a Proclamation of Local Emergency, as a result of a positive coronavirus respiratory disease (COVID-19) case in our City as well as a rapid increase in cases throughout Los Angeles County ("Local Emergency"). 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.

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.

On March 16, 2020, I issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19, which included, among other things, the imposition of a moratorium on residential tenant evictions ("Residential Tenant Eviction Moratorium" or "RTEM"). 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.

On March 20, 2020, I 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 ("Commercial Tenant Eviction Moratorium" or "CTEM"). The RTEM and CTEM are collectively referred to as "Eviction Moratoria."

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

RTEM 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 direction.

On April 7, 2020, as economic impacts continued, affecting both residential and commercial tenants and their ability to fulfill their financial obligations, including the payment of rent, I issued a Fifth Supplement to Public Order extending the Commercial Tenant Eviction Moratorium through May 31, 2020.

On April 27, 2020, the City Council considered and discussed concerns of a slow financial recovery once the stay at home orders are lifted and tenants are able to go back to work or reopen a business, as the case may be, and the challenge for tenants to repay unpaid rent that accrued during the Eviction Moratoria ("Back Rent") while keeping up with current rent due; and the City Council directed the City Manager to extend the period for the payment of Back Rent from 6 months to 12 months, finding there to be a public interest in ensuring tenants have a sufficient recovery period once the Eviction Moratoria have expired, preserving and increasing housing security and stability, and preventing residents from falling into homelessness due to this health crisis.

On April 28, 2020, I issued an Eighth Supplement to Public Order extending the grace period within which a tenant has to repay Back Rent to 12 months after the expiration of the Eviction Moratoria, consistent with the City Council's direction.

On May 11, 2020, the City Council discussed possible options for including repayment plan provisions in the Eviction Moratoria, in order to ensure that tenants are not faced with unmanageable "balloon payments" at the end of the 12-month grace period, and risk eviction for nonpayment of Back Rent, and directed the City Manager to include provisions in the Residential Tenant Eviction Moratorium to encourage and incentivize a landlord and tenant to negotiate a repayment plan over the 12-month grace period.

On May 12, 2020, I amended the RTEM implementation measures in accordance with City Council's direction.

On May 18, 2020, the City Council considered: (1) extension of the Eviction Moratoria; (2) exceptions to the Commercial Tenant Eviction Moratorium for larger companies; and (3) inclusion of repayment plan provisions in the CTEM implementation measures. The City Council directed the City Manager to issue a public order to (1) extend the Eviction Moratoria to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier; (2) exclude from the CTEM multi-national companies, publicly traded companies, or companies that employ 200 or more employees; and (3) reduce the grace period for the repayment of Back Rent from 12 months to 6 months for

commercial tenants that have 10 or more, but less than 200, employees. The City Council further directed the City Manager to amend the CTEM implementation measures to include provisions to encourage and incentivize commercial landlords and tenants to mutually agree to a plan for the repayment of back rent owed, similar to those provisions included in the RTEM implementation measures issued on May 12, 2020.

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 Residential Tenant Eviction Moratorium shall be extended to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier. For purposes of this Public Order, the end of the Local Emergency shall mean the date the City Council proclaims, by resolution, the termination of the Local Emergency.
2. The Commercial Tenant Eviction Moratorium shall be extended to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.
3. As of June 1, 2020, the Commercial Tenant Eviction Moratorium shall not apply to any multi-national company, publicly traded company, or a company that employs 200 or more employees.
4. The grace period for the repayment of Back Rent shall be 6 months for commercial tenants that have 10 or more, but less than 200, employees.
5. The RTEM Third Amended Implementation Measures shall be amended to be consistent with this Public Order.
6. The CTEM Amended Implementation Measures shall be amended to (a) be consistent with this Public Order; and (b) include provisions to encourage and incentivize commercial landlords and tenants to mutually agree to a plan for the repayment of back rent owed, consistent with the City Council's May 18, 2020 direction.
7. All other provisions of the Eviction Moratoria, not specifically amended herein, shall remain in full force and effect through 11:59 p.m. on August 31, 2020, or the end of the Local Emergency, whichever occurs earlier.

Pursuant to the authority set forth in Ordinance No. 2020-007, each and every violation of the Eviction Moratoria 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 May 19, 2020 and shall remain in effect until 11:59 p.m. on August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.

This Public Order may be superseded, amended, modified, extended or rescinded prior to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.

Date: 5/19/2020



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