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RESOLUTION NO. 2020-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, CONFIRMING THE AUGUST 4, 2020 TWENTY-SECOND SUPPLEMENT TO PUBLIC ORDER (EXTENSION OF EVICTION MORATORIA) 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, as of August 5, 2020, Johns Hopkins University reported 18,609,287 confirmed COVID-19 cases globally and 702,164 deaths; 4,789,383 cases nationally, with 157,266 deaths; and 527,074 cases in California, with 9,708 deaths. Further, as of August 5, 2020, the Los Angeles County Department of Public Health (LACDPH) reported 195,614 cases in Los Angeles County with 4,758 deaths, which includes 326 cases and 29 deaths in Culver City (LACDPH information includes data through 8 p.m. on 08/03/2020). As there is a rapid increase in cases and ongoing significant risk of infection

1 throughout the United States and the State of California, the federal Centers for Disease
2 Control and Prevention and the California Department of Public Health are recommending that
3 counties and cities throughout the U.S. continue to actively address the COVID-19 pandemic
4 and implement aggressive measures to prevent the spread of COVID-19; and

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

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10 WHEREAS, on March 16, 2020, under the authority of CCMC Section 3.09.020,
11 the City Manager issued a Public Order enacting City measures to protect members of the
12 public and City workers from undue risk of COVID-19, which included, among other things,
13 the imposition of a moratorium on residential tenant evictions (“Residential Tenant Eviction
14 Moratorium” or “RTEM”), prohibiting a landlord from evicting a residential tenant in the City of
15 Culver City during this local emergency period if the tenant documents an inability to pay rent
16 due to circumstances related to the COVID-19 pandemic; and

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18 WHEREAS, on March 20, 2020, the City Manager issued a First Supplement to
19 Public Order (“March 20 Order”), which included, among other things, protections for
20 commercial tenants against evictions based on an inability to pay rent due to COVID-19
21 related circumstances (“Commercial Tenant Eviction Moratorium” or “CTEM”); and

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23 WHEREAS, since the initial orders establishing the Residential Tenant Eviction
24 Moratorium and the Commercial Tenant Eviction Moratorium (collectively, “Eviction
25 Moratoria”), the following additional public orders and implementation measures have been
26 issued with respect to the Eviction Moratoria:
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- 1 • March 20, 2020 RTEM Implementation Measures implementing the March 16 Order;
- 2 • March 27, 2020 Second Supplement to Public Order extending the RTEM through May 31, 2020 and expanding its scope;
- 3 • March 27, 2020 CTEM Implementation Measures implementing the March 20 Order;
- 4 • April 3, 2020 RTEM Amended Implementation Measures implementing the March 27 Order;
- 5 • April 7, 2020 Fifth Supplement to Public Order extending the CTEM through May 31, 2020;
- 6 • April 28, 2020 Eighth Supplement to Public Order extending the period for the payment of back rent to 12 months after the expiration of the Eviction Moratoria;
- 7 • April 29, 2020 RTEM Second Amended Implementation Measure implementing the April 28 Order;
- 8 • April 29, 2020 CTEM Amended Implementation Measures implementing the April 7 and April 28 Orders;
- 9 • May 12, 2020 RTEM Third Amended Implementation Measures adding provisions to encourage and incentivize a landlord and tenant to negotiate a repayment plan over the 12-month grace period;
- 10 • May 19, 2020 Twelfth Supplement to Public Order (Revised May 26, 2020) extending the Eviction Moratoria to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier; and excluding from the CTEM multi-national companies, publicly traded companies, or companies that employ 200 or more employees;
- 11 • May 20, 2020 RTEM Fourth Amended Implementation Measures implementing the May 19 Order;
- 12 • May 20, 2020 CTEM Second Amended Implementation Measures implementing the May 19 Order and adding provisions to encourage and incentivize a landlord and tenant to negotiate a repayment plan over the 12-month applicable grace periods;
- 13 • May 26, 2020 CTEM Third Amended Implementation Measures clarifying exception for commercial tenants employing 200 or more employees; and
- 14 • May 27, 2020 CTEM Fourth Amended Implementation Measures implementing May 19 Order (Revised May 26, 2020); and

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22 WHEREAS, on August 3, 2020, the City Council discussed an extension of the
23 Eviction Moratoria based on concerns that although the City is in a “recovery” period, these
24 recent closures will have a significant financial impact on many individuals and businesses.
25 While some people have been able to go back to work or reopen a business, many others are
26 still out of work and many businesses have been ordered to close once again. As a result, it
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1 will be a slow financial recovery and may be challenging for many tenants, both residential
2 and commercial, to begin paying rent on September 1, 2020. As such, the City Council
3 directed the City Manager to: (1) extend the Eviction Moratoria to September 30, 2020; and
4 (2) return with a comprehensive discussion regarding the Eviction Moratoria to the earliest
5 City Council meeting in September; and

6 WHEREAS, on August 4, 2020, the City Manager issued the Twenty-Second
7 Supplement to Public Order consistent with the City Council's August 3rd direction ("August 4
8 Order"). The respective implementation measures were also amended consistent with the
9 August 4 Order.
10

11 NOW, THEREFORE, the City Council of the City of Culver City, California,
12 DOES HEREBY RESOLVE as follows:
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14 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
15 confirms the Twenty-Second Supplement to Public Order issued by the Director of Emergency
16 Services on August 4, 2020, attached hereto as Exhibit A and incorporated herein as though
17 fully set forth.

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

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

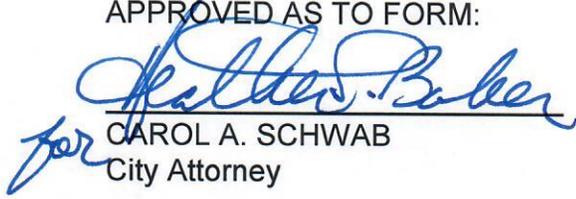
APPROVED and ADOPTED this _____ day of _____ 2020.

GÖRAN ERIKSSON, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN
City Clerk



CAROL A. SCHWAB
City Attorney

A20-00290



JOHN M. NACHBAR
CITY MANAGER

EXHIBIT A
CITY MANAGER'S OFFICE
CITY OF CULVER CITY

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

(310) 253-6000
FAX (310) 253-6010

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

Issue Date: August 4, 2020

Subject: Extension of 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.

On May 19, 2020, I issued a Twelfth Supplement to Public Order consistent with the with the City Council's direction.

On May 26, 2020, the City Council amended the May 19, 2020 Order to strike the provision, which reduced 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.

In late June and during the month of July, 2020, due to increases in the daily reported COVID-19 cases, hospitalizations, and the testing positivity rates, the Los Angeles County Public Health Officer issued revised orders, in alignment with the California Governor's announcements, requiring the closure of specific activities and business sectors, superseding previous orders (which had allowed many businesses to reopen), to address the serious regression of COVID-19 indicators within Los Angeles County. Such closures of certain higher risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur, superseded any previous openings permitted in Culver City.

On August 3, 2020, the City Council discussed an extension of the Eviction Moratoria based on concerns that although the City is in a "recovery" period, these recent closures will have a significant financial impact on many individuals and businesses. While some people have been able to go back to work or reopen a business, many others are still out of work and many businesses have been ordered to close once again. As a result, it will be a slow financial recovery and may be challenging for many tenants, both residential and commercial, to begin paying rent on September 1, 2020, if the current Eviction Moratoria expire on August 31, 2020. As such, the City Council directed the City Manager to: (1) extend the Eviction Moratoria to September 30, 2020; and (2) bring back a comprehensive discussion regarding the Eviction Moratoria to the earliest City Council meeting in September.

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 September 30, 2020.
2. The Commercial Tenant Eviction Moratorium shall be extended to September 30, 2020.

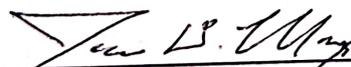
3. The RTEM implementation measures shall be amended to be consistent with this Public Order.
4. The CTEM implementation measures shall be amended to be consistent with this Public Order.
5. All other provisions of the Eviction Moratoria, not specifically amended herein, shall remain in full force and effect through September 30, 2020.

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 immediately and shall remain in effect through September 30, 2020. This Public Order may be superseded, amended, modified, extended or rescinded prior to September 30, 2020.

Date: August 4, 2020


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