



City of Culver City

Staff Report

File #: 20-991, Version: 1

Item #: A-1.

CC - Adoption of a Resolution 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.

Meeting Date: May 26, 2020

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Fiscal Impact: Yes No **General Fund:** Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (05/21/2020);

Department Approval: John M. Nachbar, City Manager (05/XX/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution 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), under City of Culver City emergency authority, due to the coronavirus respiratory disease (COVID-19) pandemic.

BACKGROUND/DISCUSSION

On March 14, 2020, pursuant to the authority granted by Culver City Municipal Code ("CCMC") Section 3.09.020.B.1.a, 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") pandemic ("Local Emergency").

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, the City Manager 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, the City Manager 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” or “CTEM”).

On March 26, 2020, 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, the City Manager issued a Second Supplement to Public Order extending the RTEM 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, the City Manager issued a Fifth Supplement to Public Order extending the Commercial Tenant Eviction Moratorium through May 31, 2020.

On April 27, 2020, 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, the City Council directed the City Manager to extend the period for the payment of unpaid rent that accrued during the Eviction Moratoria (“Back Rent”) to 12 months after the expiration of the Eviction Moratoria.

On April 28, 2020, the City Manager issued an Eighth Supplement to Public Order, consistent with the City Council’s direction.

On May 11 and May 18, 2020, respectively, the City Council discussed possible options for including repayment plan provisions in the RTEM implementation measures (May 11 meeting) and CTEM implementation measures (May 18 meeting), in order to ensure that tenants are not faced with unmanageable “balloon payments” at the end of the applicable grace periods, and risk eviction for nonpayment of Back Rent. The City Council directed the City Manager to include provisions in the respective implementation measures to encourage and incentivize a landlord and tenant to negotiate

a repayment plan over the applicable grace periods. Consistent with the City Council's direction, the RTEM implementation measures were amended on May 12, 2020 and the CTEM implementation measures were amended on May 20, 2020.

Also, at its May 18, 2020 meeting, the City Council directed the City Manager to (1) extend the Residential Tenant and Commercial Tenant 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.

On May 19, 2020, the City Manager issued the Twelfth Supplement to Public Order consistent with the City Council's May 18th direction ("May 19 Order"). The respective implementation measures were also amended consistent with the May 19 Order.

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the May 19 Order issued by the Director of Emergency Services (Attachment 1).

FISCAL ANALYSIS

There may be staff costs associated with the enforcement of the May 19 Order; however, it is not estimated to be material at this time. If staff incurs any overtime with the enforcement of the Order, the overtime will be tracked and included with the FEMA reimbursement requests.

ATTACHMENTS

2020-05-26_ATT_Proposed Resolution Confirming May 19 Order

MOTION

That the City Council:

Adopt a Resolution 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.