



City of Culver City

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Staff Report Details (With Text)

File #: 20-882 **Version:** 1 **Name:**
Type: Resolution **Status:** Action Item
File created: 3/31/2020 **In control:** City Council Meeting Agenda
On agenda: 4/2/2020 **Final action:**
Title: CC - Adoption of a Resolution Confirming the March 27, 2020 Second Supplement to Public Order Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Expanding the Residential Tenant Eviction Moratorium to Prohibit All Evictions of Residential Tenants through May 31, 2020, Subject to Certain Limited Exceptions, Due to Coronavirus Respiratory Disease (COVID-19) Pandemic.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2020-04-02_ATT 2_Ordinance No. 2010-004.pdf, 2. 2020-04-02_ATT 1_Resolution_March 27 Order_Residential Tenant Eviction Moratorium.pdf

Date	Ver.	Action By	Action	Result
4/2/2020	1	City Council Meeting Agenda		

CC - Adoption of a Resolution Confirming the March 27, 2020 Second Supplement to Public Order Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Expanding the Residential Tenant Eviction Moratorium to Prohibit All Evictions of Residential Tenants through May 31, 2020, Subject to Certain Limited Exceptions, Due to Coronavirus Respiratory Disease (COVID-19) Pandemic.

Meeting Date: April 2, 2020

Contact Person/Dept: Heather Baker/City Attorney's Office

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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 (04/01/2020);

Department Approval: John M. Nachbar, City Manager (04/01/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the March 27, 2020 Second Supplement to Public Order issued by the City Manager, as Director of Emergency Services, under City of Culver City emergency authority, expanding the Residential Tenant Eviction Moratorium to prohibit all evictions of residential tenants through May 31, 2020, subject to certain limited exceptions, due to coronavirus respiratory disease (COVID-19) pandemic.

BACKGROUND/DISCUSSION

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). 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.

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 Culver City's 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 CCMC Section 3.09.020, the City Manager, as Director of Emergency Services, 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 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, the City Manager 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, the City Manager 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").

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 City Council, at a Special Meeting, 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 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.

On March 27, 2020, the City Manager, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), issued a second supplemental order, consistent with the City Council's March 26th direction, extending the Residential Tenant Eviction Moratorium through May 31, 2020 and expanding its scope ("March 27 Order"). In addition, pursuant to the authority of Ordinance No. 2020-006 and the proposed Resolution, as well as the requirements of the March 27 Order, the City Manager will be issuing Amended Implementation Measures to effectuate the Residential Tenant Eviction Moratorium, on or before April 3, 2020.

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the March 27 Order issued by the Director of Emergency Services (Attachment 1).

Note: *Although previous public orders have been confirmed by urgency ordinance, it has been determined that a resolution is sufficient. An urgency ordinance was utilized to give the public orders the force of law, because the published version of the City's Emergency Ordinance, specifically Section 3.09.050 (Punishment of Violations), did not provide enforcement authority. Recently, however, it was discovered that due to an error by the City's codifier, the incorrect text for Section 3.09.050 was published, while the original ordinance adopted by the City Council in 2010 (Ordinance No. 2010-004) does provide for enforcement and penalties for violations of any orders issued pursuant to Chapter 3.09. A copy of Ordinance No. 2010-004 is included as Attachment 2 to this report.*

FISCAL ANALYSIS

There are staff cost associated with the enforcement of the March 27 Order; however, they are difficult to estimate at this time.

ATTACHMENTS

1. 2020-04-02_ATT 1_Proposed Resolution Confirming March 27 Order
2. 2020-04-02_ATT 2_Ordinance No. 2010-004

MOTION

That the City Council:

Adopt a Resolution confirming the March 27, 2020 Second Supplement to Public Order issued by the City Manager, as Director of Emergency Services, under City of Culver City emergency authority, expanding the Residential Tenant Eviction Moratorium to prohibit all evictions of residential tenants through May 31, 2020, subject to certain limited exceptions, due to coronavirus respiratory disease (COVID-19) pandemic.