Staff Report Details (With Text)

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Type:	Resolution			**Status:**	Action Item
File created:	4/29/2020			**In control:**	City Council Meeting Agenda
On agenda:	5/11/2020			**Final action:**	
Title:	CC - Adoption of a Resolution Confirming the April 28, 2020 Eighth Supplement to Public Order (Extending the Eviction Moratoria Payment Period for Unpaid Rent to 12 Months) and the May 1, 2020 Ninth Supplement to Public Order (Revised Safer at Home Order) 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.				
Sponsors:					
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Attachments:	1. 2020-05-11_ATT Resolution_April 28 and May 1 Orders_Eighth and Ninth Supplements.pdf				

Date	Ver.	Action By	Action	Result
5/11/2020	1	City Council Meeting Agenda		

CC - Adoption of a Resolution Confirming the April 28, 2020 Eighth Supplement to Public Order (Extending the Eviction Moratoria Payment Period for Unpaid Rent to 12 Months) and the May 1, 2020 Ninth Supplement to Public Order (Revised Safer at Home Order) 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 11, 2020

Contact Person/Dept: Jesse Mays/City Manager's Office
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Fiscal Impact: Yes [X] No [] **General Fund:** Yes [X] No []

Public Hearing: [] **Action Item:**[X] **Attachments:** [X]

Commission Action Required: Yes [] No [X] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (05/06/2020);

Department Approval: John M. Nachbar, City Manager (05/04/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the April 28, 2020 Eighth Supplement to Public Order (Extending the Eviction Moratoria Payment Period for Unpaid Rent to 12 Months) and the May 1, 2020 Ninth Supplement to Public Order (Revised Safer at Home Order) 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.

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.

Eighth Supplement to Public Order

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, in response to growing evidence of the critical need for residents to shelter in place, the 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, the City Manager 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, the City Manager issued a Fifth Supplement to Public Order extending the Commercial Tenant Eviction Moratorium

through May 31, 2020.

Included in both the Residential Tenant Eviction Moratorium and the Commercial Tenant Eviction Moratorium (collectively, "Eviction Moratoria"), is a provision that requires a tenant who has an inability to pay rent during the local emergency period, and who qualifies for protection under the respective Eviction Moratoria, to pay any rent that remains unpaid ("Back Rent") within six months of the expiration of the local emergency period.

Over the past several weeks, residential and commercial tenants have expressed concerns that once the stay at home orders are lifted and they are able to go back to work or reopen a business, as the case may be, it will be a slow financial recovery and challenging to pay Back Rent while keeping up with current rent, and that the six-month period for the payment of Back Rent may not be sufficient.

On April 27, 2020, in response to such concerns, the City Council considered whether to extend the period for the payment of Back Rent 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, the City Council directed the City Manager to extend the period for the payment of Back Rent to 12 months.

On April 28, 2020, the City Manager issued an Eighth Supplement to Public Order ("April 28 Order") consistent with the City Council's April 27th direction (see Exhibit A to Attachment 1).

Ninth Supplement to Public Order

The March 20 Order also incorporated by reference, any and all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020.

Since the March 19 *SAFER AT HOME* Order, Los Angeles Mayor Garcetti issued revised *SAFER AT HOME* Orders on April 1 and April 10, 2020. In step with the City of Los Angeles, on April 7, 2020 and April 11, 2020, respectively, the City Manager issued a Fifth Supplement to Public Order (incorporating the April 1 *SAFER AT HOME* Order) and a Seventh Supplement to Public Order (incorporating the April 10 *SAFER AT HOME* Order).

On April 27, 2020, the City of Los Angeles issued another revised *SAFER AT HOME* Order, effective through May 15, 2020, which primarily addresses clarifications regarding funeral attendance and real estate showings. The April 27 *SAFER AT HOME* Order also includes an admonishment that non-essential businesses doing the minimum tasks to maintain operations must have their doors closed and locked and signage stating they are not open, as well as other minor clean-up language.

On May 1, 2020, the City Manager issued a Ninth Supplement to Public Order ("May 1 Order"), enacting any and all orders set forth in Mayor Garcetti's April 27 *SAFER AT HOME* Order (See Exhibit B to Attachment 1).

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the April 28 Order and May 1 Order issued by the Director of Emergency Services (Attachment 1).

FISCAL ANALYSIS

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There are staff costs associated with the enforcement of the April 28 Order; however, they are difficult to estimate at this time.

ATTACHMENTS

1. 2020-05-11_ATT_Proposed Resolution Confirming April 28 and May 1 Orders

MOTION

That the City Council:

Adopt a Resolution confirming the April 28, 2020 Eighth Supplement to Public Order (Extending the Eviction Moratoria Payment Period for Unpaid Rent to 12 Months) and the May 1, 2020 Ninth Supplement to Public Order (Revised Safer at Home Order) 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.

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