



# City of Culver City

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## Staff Report Details (With Text)

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Date	Ver.	Action By	Action	Result
8/3/2020	1	City Council Meeting Agenda		

### CC - Discussion and Direction Regarding Extension of the Residential and Commercial Tenant Eviction Moratoria Beyond August 31, 2020.

**Meeting Date:** August 3, 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 (07/31/2020)

**Department Approval:** Serena Wright-Black (07/31/2020)

### RECOMMENDATION

Staff recommends the City Council discuss and provide direction to the City Manager regarding the extension of the Residential and Commercial Tenant Eviction Moratoria beyond August 31, 2020.

## **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.

On March 16, 2020, the City Manager issued a Public Order enacting City measures to protect the public health and safety 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”), which was extended and expanded by the March 27, 2020 Second Supplement to Public Order, and further extended by the May 19, 2020 Twelfth Supplement to Public Order (Attachment 1).

On March 20, 2020, the City Manager 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”), which was extended by the April 7, 2020 Fifth Supplement to Public Order and further extended by the May 19, 2020 Twelfth Supplement to Public Order.

The Residential Tenant Eviction Moratorium and Commercial Tenant Eviction Moratorium (collectively, “Eviction Moratoria”) currently expire on August 31, 2020 or the end of the local emergency, whichever occurs earlier. The implementation measures for the RTEM and CTEM are included for reference as Attachments 2 and 3, respectively.

Since the enactment of the Residential Tenant Eviction Moratorium, Housing staff has received over 1600 inquiries, including emails and phone calls, on a myriad of issues, including requests for assistance, regarding the RTEM; and on the CTEM side, Economic Development staff has received approximately 45 requests for information or assistance.

### ***Assistance for Landlords and Tenants***

**Residential:** The City Council approved the COVID-19 Emergency Rental Assistance Program (ERAP) guidelines on May 26, 2020. The City Council and Housing Authority Board will consider approval of \$1.5 million in funding for the ERAP on August 10, 2020. The COVID-19 ERAP is designed to preserve and facilitate housing security and stability and prevention of residents from falling into homelessness due to the current health crisis. COVID-19 ERAP is a two component program that will provide either temporary 12-month rental assistance or one-time 3-month rent catch-up grants to income-eligible Culver City renter households that have been economically impacted by the COVID-19 pandemic through job loss, furlough, reduction in hours or pay and financial burden due to childcare or medical expenses related to COVID-19. The program provides rent subsidies for those households defined as “extremely low income,” “very low income,” and “low income.”

**Commercial:** Economic Development staff has been working closely with the Small Business Development Center (SBDC) along with the Los Angeles Economic Development Corporation (LAEDC) to refer commercial tenants and commercial property owners that are in need of financial assistance.

## **County Public Health Orders**

Beginning in May, 2020, the Los Angeles County Department of Public Health began implementation of its *“Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles through Stage 2 of California’s Pandemic Resilience Roadmap,”* to allow additional businesses to conditionally reopen, following the State of California’s phased reopening that progressively designates sectors, businesses, establishments or activities that may reopen or resume, with necessary modifications to protect the public health and safety, and to lower the risk of transmission of COVID-19.

Additional Los Angeles County Orders were issued in June 2020, to continue to align with the State of California as it moves through Stage 2 of the *Resilience Roadmap*, by allowing activities to resume and businesses to safely reopen. The City Manager issued further supplemental orders in alignment with the County orders, as well as orders unique to Culver City to assist with the recovery of existing businesses and help new businesses establish themselves.

However, later in 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, 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.

## **State Orders**

On June 30, 2020, the Governor issued an Executive Order extending to September 30, 2020 prior orders waiving certain statutory restrictions enabling local governments to set limitations on residential and commercial evictions.

## **Slow Recovery Period**

At its July 27, 2020 meeting, City Council Members expressed a concern 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, if the current Eviction Moratoria expire on August 31.

## **Other Cities:**

The following is a sampling of other cities and their respective expiration dates for their moratoria:

- **Beverly Hills:** end of local emergency (residential); August 31, 2020 (commercial)
- **Burbank:** September 30, 2020 (residential and commercial)
- **Glendale:** August 31, 2020 (residential); commercial tenant eviction moratorium expired on June 30, 2020 and is no longer in effect

- **Los Angeles City:** end of local emergency (residential and commercial)
- **Los Angeles County:** September 30, 2020 (residential and commercial)
- **Pasadena:** end of local emergency (residential and commercial)
- **Santa Monica:** September 30, 2020 (residential); August 31, 2020 (commercial)
- **West Hollywood:** September 30, 2020

For the listed cities that continue to have commercial tenant eviction moratoria in place, such moratoria exclude certain types of commercial tenants from the protections of the moratoria (i.e. multi-national or publicly traded companies and businesses of a certain size). Culver City has implemented similar exemptions.

### ***Next Steps***

Staff recommends the City Council discuss whether to extend the RTEM, CTEM or both and provide direction to the City Manager as deemed appropriate. If the City Council provides direction to extend the Eviction Moratoria, the City Manager will issue a supplemental public order consistent with such direction. Any supplemental public order issued will return to City Council for confirmation at the next City Council meeting.

### **FISCAL ANALYSIS**

There is no fiscal impact associated with the discussion of this item.

### **ATTACHMENTS**

1. 2020-08-03\_ATT 1\_Twelfth Supplement to Public Order Extending Moratoria to August 31, 2020
2. 2020-08-03\_ATT 2\_RTEM Fourth Amended Implementation Measures
3. 2020-05-18\_ATT 3\_CTEM Fourth Amended Implementation Measures

### **MOTION**

That the City Council:

1. Discuss an extension of the Residential and Commercial Tenant Eviction Moratoria beyond August 31, 2020; and
2. Provide direction to the City Manager as deemed appropriate.