



City of Culver City

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Staff Report Details (With Text)

File #: 21-141 **Version:** 1 **Name:** Resolution Confirming 22nd Supplement to Public Order
Type: Resolution **Status:** Action Item
File created: 8/3/2020 **In control:** City Council Meeting Agenda
On agenda: 8/10/2020 **Final action:**
Title: CC - Adoption of a Resolution 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.

Sponsors:

Indexes:

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Attachments: 1. 2020-08-10_ATT Resolution_August 4 Order_Twenty-Second Supplement_FINAL.pdf

Date	Ver.	Action By	Action	Result
8/10/2020	1	City Council Meeting Agenda		

CC - Adoption of a Resolution 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.

Meeting Date: August 10, 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 (08/05/2020);

Department Approval: John M. Nachbar, City Manager (08/XX/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the August 4, 2020 Twenty-Second Supplement to Public Order (Extension of Eviction Moratoria), under City of Culver City emergency authority, due to the coronavirus respiratory disease (COVID-19) pandemic.

BACKGROUND

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”). The RTEM and CTEM are collectively referred to as “Eviction Moratoria.”

Since the initial orders establishing the Eviction Moratoria, the following additional public orders and implementation measures have been issued with respect to the Eviction Moratoria:

- March 20, 2020 RTEM Implementation Measures implementing the March 16 Order;
- March 27, 2020 Second Supplement to Public Order extending the RTEM through May 31, 2020 and expanding its scope;
- March 27, 2020 CTEM Implementation Measures implementing the March 20 Order;
- April 3, 2020 RTEM Amended Implementation Measures implementing the March 27 Order;
- April 7, 2020 Fifth Supplement to Public Order extending the CTEM through May 31, 2020;
- 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;
- April 29, 2020 RTEM Second Amended Implementation Measure implementing the April 28 Order;
- April 29, 2020 CTEM Amended Implementation Measures implementing the April 7 and April 28 Orders;
- 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;
- 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;

- May 20, 2020 RTEM Fourth Amended Implementation Measures implementing the May 19 Order;
- 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;
- May 26, 2020 CTEM Third Amended Implementation Measures clarifying exception for commercial tenants employing 200 or more employees; and
- May 27, 2020 CTEM Fourth Amended Implementation Measures implementing May 19 Order (Revised May 26, 2020).

DISCUSSION

At its August 3, 2020 meeting, 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.

On August 4, 2020, the City Manager issued the Twenty-Second Supplement to Public Order consistent with the City Council’s August 3rd direction (“August 4 Order”). The respective implementation measures were also amended consistent with the August 4 Order.

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the August 4 Order issued by the Director of Emergency Services (Attachment 1).

FISCAL ANALYSIS

There may be staff costs associated with the enforcement of the August 4 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

2020-08-10_ATT_Proposed Resolution Confirming August 4 Order

MOTION

That the City Council:

Adopt a Resolution 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.