



City of Culver City

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Staff Report

File #: 20-893, **Version:** 1

Item #: A-1.

CC - Adoption of a Resolution Confirming the April 7, 2020 Fifth Supplement to Public Order Issued by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Extending the Commercial Tenant Eviction Moratorium through May 31, 2020, Due to Coronavirus Respiratory Disease (COVID-19) Pandemic.

Meeting Date: April 13, 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 (04/07/2020);

Department Approval: John M. Nachbar, City Manager (04/07/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution confirming the April 7, 2020 Fifth Supplement to Public Order issued by the City Manager, as Director of Emergency Services, under City of Culver City emergency authority, extending the Commercial Tenant Eviction Moratorium through May 31, 2020, 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.

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 initial Residential Moratorium went into effect at 11:59 p.m. on March 16, 2020 and remained in effect until 11:59 p.m. on April 19, 2020 (per a March 20, 2020 supplemental order extending its duration).

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"). The March 20 Order went into effect at 11:59 p.m. on March 20, 2020 and remains in effect until 11:59 p.m. on April 19, 2020. The March 20 Order and related Implementation Measures are attached (Attachment 1).

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.

On March 27, 2020, the City Manager, issued a Second Supplement to Public 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"), which was confirmed by the City Council on April 2, 2020

As economic impacts continue, affecting both residential and commercial tenants and their ability to fulfill their financial obligations, including the payment of rent, the City Manager, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), issued a Fifth Supplement to Public Order on April 7, 2020, which extended the Commercial Tenant Eviction Moratorium through May 31, 2020 ("April 7 Order").

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the April 7 Order issued by the Director of Emergency Services (Attachment 2).

FISCAL ANALYSIS

There are staff costs associated with the enforcement of the April 7 Order; however, they are difficult to estimate at this time.

ATTACHMENTS

1. 2020-04-13_ATT 1_March 20 Order and Implementation Measures
2. 2020-04-13_ATT 2_Proposed Resolution Confirming April 7 Order

MOTION

That the City Council:

Adopt a Resolution confirming the April 7, 2020 Fifth Supplement to Public Order issued by the City Manager, as Director of Emergency Services, under City of Culver City emergency authority, extending the Commercial Tenant Eviction Moratorium through May 31, 2020, due to coronavirus respiratory disease (COVID-19) pandemic.