



# City of Culver City

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## Staff Report

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**File #:** 21-324, **Version:** 1

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**CC - Adoption of a Resolution Confirming the September 17, 2020 Twenty-Sixth Supplement to Public Order (Extension of Commercial Tenant Eviction Moratorium) 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:** September 29, 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 (09/23/2020);

**Department Approval:** John M. Nachbar, City Manager (09/23/2020)

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### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution confirming the September 17, 2020 Twenty-Sixth 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 / 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 ("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).
- August 4, 2020 Twenty-Second Supplement to Public Order extending the Eviction Moratoria through
- August 4, 2020 RTEM and CTEM Fifth Amended Implementation Measures implementing

On August 31, 2020, the Governor signed AB 3088, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, urgency legislation which took effect immediately. The Act consists of two components, the COVID-19 Small Landlord and Homeowner Relief Act of 2020, which addresses mortgage relief; and the COVID-19 Tenant Relief Act of 2020, which addresses non-payment of rent due to COVID-19. Under AB 3088 the City's Residential Tenant Eviction Moratorium will remain in effect until its current expiration date of September 30, 2020; however, any extension or modification would not become effective until February 1, 2021.

On September 14, 2020, the City Council discussed the status of the Eviction Moratoria and the current financial climate for Culver City's residential and commercial tenants. Due to the preemption by AB 3088, the City Council did not direct any extension of the Residential Tenant Eviction Moratorium at this time. However, the City Council directed extension of the Commercial Tenant Eviction Moratorium through January 31, 2021.

On September 17, 2020, the City Manager issued the Twenty-Sixth Supplement to Public Order consistent with the City Council's September 14<sup>th</sup> direction ("September 17 Order"). The CTEM Implementation Measures were also amended consistent with the September 17 Order.

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed Resolution confirming the September 17 Order issued by the Director of Emergency Services (Attachment 1).

## **FISCAL ANALYSIS**

There may be staff costs associated with the enforcement of the September 17 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**

2020-09-29\_ATT\_Proposed Resolution Confirming September 17 Order

## **MOTION**

That the City Council:

Adopt a Resolution confirming the September 17, 2020 Twenty-Sixth Supplement to Public

Order (Extension of Commercial Tenant Eviction Moratorium), 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.