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Twelfth Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: May 19, 2020

Subject: Extension of and Exceptions to Eviction Moratoria

On March 14, 2020, I issued a Proclamation of Local Emergency, as a result of a positive coronavirus respiratory disease (COVID-19) case in our City as well as a rapid increase in cases throughout Los Angeles County ("Local Emergency"). Since that time, I have ordered a number of additional measures to be taken across the City to protect the public and City workers from an undue risk of contracting the COVID-19 virus.

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, I 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, I 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"). The RTEM and CTEM are collectively referred to as "Eviction Moratoria."

On March 26, 2020, in response to growing evidence of the critical need for residents to shelter in place, the Culver City 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, I 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, I issued a Fifth Supplement to Public Order extending the Commercial Tenant Eviction Moratorium through May 31, 2020.

On April 27, 2020, the City Council considered and discussed concerns of a slow financial recovery once the stay at home orders are lifted and tenants are able to go back to work or reopen a business, as the case may be, and the challenge for tenants to repay unpaid rent that accrued during the Eviction Moratoria ("Back Rent") while keeping up with current rent due; and the City Council directed the City Manager to extend the period for the payment of Back Rent from 6 months 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.

On April 28, 2020, I issued an Eighth Supplement to Public Order extending the grace period within which a tenant has to repay Back Rent to 12 months after the expiration of the Eviction Moratoria, consistent with the City Council's direction.

On May 11, 2020, the City Council discussed possible options for including repayment plan provisions in the Eviction Moratoria, in order to ensure that tenants are not faced with unmanageable "balloon payments" at the end of the 12-month grace period, and risk eviction for nonpayment of Back Rent, and directed the City Manager to include provisions in the Residential Tenant Eviction Moratorium to encourage and incentivize a landlord and tenant to negotiate a repayment plan over the 12-month grace period.

On May 12, 2020, I amended the RTEM implementation measures in accordance with City Council's direction.

On May 18, 2020, the City Council considered: (1) extension of the Eviction Moratoria; (2) exceptions to the Commercial Tenant Eviction Moratorium for larger companies; and (3) inclusion of repayment plan provisions in the CTEM implementation measures. The City Council directed the City Manager to issue a public order to (1) extend the Eviction Moratoria to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier; (2) exclude from the CTEM multi-national companies, publicly traded companies, or companies that employ 200 or more employees; and (3) reduce the grace period for the repayment of Back Rent from 12 months to 6 months for

commercial tenants that have 10 or more, but less than 200, employees. The City Council further directed the City Manager to amend the CTEM implementation measures to include provisions to encourage and incentivize commercial landlords and tenants to mutually agree to a plan for the repayment of back rent owed, similar to those provisions included in the RTEM implementation measures issued on May 12, 2020.

By virtue of the authority vested in me as the Director of Emergency Services, pursuant to the provisions of CCMC Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order ("Public Order"):

1. The Residential Tenant Eviction Moratorium shall be extended to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier. For purposes of this Public Order, the end of the Local Emergency shall mean the date the City Council proclaims, by resolution, the termination of the Local Emergency.
2. The Commercial Tenant Eviction Moratorium shall be extended to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.
3. As of June 1, 2020, the Commercial Tenant Eviction Moratorium shall not apply to any multi-national company, publicly traded company, or a company that employs 200 or more employees.
4. The grace period for the repayment of Back Rent shall be 6 months for commercial tenants that have 10 or more, but less than 200, employees.
5. The RTEM Third Amended Implementation Measures shall be amended to be consistent with this Public Order.
6. The CTEM Amended Implementation Measures shall be amended to (a) be consistent with this Public Order; and (b) include provisions to encourage and incentivize commercial landlords and tenants to mutually agree to a plan for the repayment of back rent owed, consistent with the City Council's May 18, 2020 direction.
7. All other provisions of the Eviction Moratoria, not specifically amended herein, shall remain in full force and effect through 11:59 p.m. on August 31, 2020, or the end of the Local Emergency, whichever occurs earlier.

Pursuant to the authority set forth in Ordinance No. 2020-007, each and every violation of the Eviction Moratoria may be subject to an administrative fine of up to \$1,000. Each separate day, or any portion thereof, during which any violation occurs or continues, constitutes a separate violation.

Any violation of this Public Order may also be enforced under the CCMC, which provides for criminal penalties not to exceed \$1,000 or imprisonment not to exceed six months or both. Individual officers should use their discretion in enforcing this Public Order and always keep the intent of this Public Order in mind.

This Public Order shall be effective at 11:59 p.m. on May 19, 2020 and shall remain in effect until 11:59 p.m. on August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.

This Public Order may be superseded, amended, modified, extended or rescinded prior to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier.

Date: 5/19/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City