



Office of the City Manager

FORTY-THIRD SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 13, 2020, the City Manager, in his role as the Director of Emergency Services, (“Director of Emergency Services”) proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective the City’s response to COVID-19 and this local emergency was restated on March 14, 2020, through a revised declaration of local emergency to ensure compliance with all digital signature requirements (the “Executive Order”); and

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued a Health Officer Order for the Control of COVID-19 (“Health Officer Order”) that imposed various restrictions on gatherings, closure of certain businesses, and certain social distancing measures, and

WHEREAS, since March 16, 2020, the Los Angeles County Department of Public Health has on multiple occasions amended and modified its Health Officer Order, and, as of the date of this Order, a Health Officer Order remains in effect, which requires various measures to reduce the spread of COVID-19; and

WHEREAS, since the Director of Emergency Services issued the Executive Order on March 13, 2020, the Director of Emergency Services has issued 42 separate supplements to the Executive Order; and

WHEREAS, on multiple occasions since the Director of Emergency Services issued the Executive Order on March 13, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services; most recently, effective as of May 7, 2022, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Revised Fourth, Revised Fifth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Third Revised Eighteenth, Nineteenth, Second Revised Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirty-First, Thirty-Second, Thirty-Third, Corrected Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Ninth, Fortieth, Forty-First, and Forty-Second Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the supplements being ratified above shall, except for those portions of earlier supplements that were not extended by the Nineteenth, Thirty-First, Corrected Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Ninth, and Forty-Second Supplements, be operative and remain in effect through June 30, 2022, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on January 27, 2022, the Director of Emergency Services issued a Forty-Second Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency (the “Forty-Second Supplement”), which, among other things, amended and restated COVID-19 tenant protections, including eviction protections for evictions based on no-fault reasons, nuisance or unauthorized occupants or pets, and denial of entry; remedies for violations of eviction protections; protections related to tenant harassment; eviction reporting requirements for landlords; and a prohibition on deception by landlords in connection with these rights and obligations; and

WHEREAS, on January 25, 2022, Los Angeles County adopted the Resolution Further Amending and Restating the County of Los Angeles COVID-19 Tenant Protections, which states that it applies to incorporated cities within the County but does not preclude an incorporated city within the County from imposing greater protections; and which, among other things, implements an eviction moratorium from February 1, 2022 through May 31, 2022 for evictions based on specified grounds, including no-fault eviction reasons except for qualified owner move-ins, nuisance or unauthorized occupants or pets, and denying entry to the landlord; and which implements an eviction moratorium from June 1, 2022 through December 31, 2022 for evictions based on specified grounds, including nonpayment of rent for qualified households, no-fault reasons except for certain owner move-ins, and nuisance or unauthorized occupants or pets; and

WHEREAS, as of June 1, 2022, the eviction moratorium implemented by Los Angeles County does not apply to evictions based on denial of entry of the landlord; and tenants and landlords may take reasonable precautions to reduce the risk of transmitting COVID-19 during an entry; and existing local and state law continue to regulate landlord entries; and

WHEREAS, for the reasons stated in the recitals to the Forty-Second Supplement, which are incorporated by this reference as though fully set forth herein, the City's ability to effectively enforce COVID-19 tenant protections and monitor how many evictions and endeavors to evict occur in Santa Monica is critical to protect the public health and safety during this local emergency; however, in alignment with the County's eviction protections, it is no longer warranted to apply the eviction moratorium to evictions based on denial of entry of the landlord, particularly where tenants and landlords may take reasonable precautions to reduce the risk of transmitting COVID-19 during an entry and where existing local and state law continue to regulate landlord entries; and

WHEREAS, the City has an important government interest in maintaining a thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, as of June 28, 2022, the Los Angeles County Department of Public Health has confirmed 3,105,867 cases of COVID-19 in Los Angeles County and has continued to advise that public health measures remain required to prevent the further spread of COVID-19; and

WHEREAS, California Government Code 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority pursuant to Section 2.16.060 of the Santa Monica Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, David White, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council.

IT IS HEREBY ORDERED THAT:

A. Extension of Emergency Supplements

1. Subject to the exceptions stated in Section 2 of this Order; Section 2 of the Nineteenth Supplement issued June 29, 2020; Sections 6 and 7 of the Thirty-First Supplement issued December 22, 2020; Sections 8 through 11 of the Corrected Thirty-Fourth Supplement issued March 24, 2021; Sections 2 and 3 of the Thirty-Fifth Supplement issued April 27, 2021; Sections 19 and 20 of the Thirty-Sixth Supplement issued May 18, 2021; Sections 2, 3, and 4 of the Thirty-Seventh Supplement issued June 24, 2021; Section 2 of the Thirty-Ninth Supplement issued July 14, 2021; and Sections 2 and 4 of the Forty-Second Supplement issued on January 27, 2022, the Fifth Revised First, Revised Fourth, Revised Fifth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Third Revised Eighteenth, Nineteenth, Second Revised Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth,

Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirty-First, Thirty-Second, Thirty-Third, Corrected Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Ninth, Fortieth, Forty-First, and Forty-Second Supplements to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency shall be extended to be operative and remain in effect until, whichever occurs earlier, the termination of the County Health Officer Order, including any amendments and successors thereto, or December 31, 2022, provided that City Council ratifies the need for continuing the local emergency due to COVID-19 every 60 days. At that time, the foregoing Supplements to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency shall automatically expire unless earlier extended or expressly superseded by an action of the City Council or by a further Executive Order of the Director of Emergency Services or Supplement thereto.

- 2. Section 5(e) of the Forty-Second Supplement issued on January 27, 2022, which provides, subject to specified exceptions, that a residential tenant shall not be evicted on the ground that such tenant denied entry to the landlord into the rental unit, is not extended and shall have no force and effect as of the effective date of this Order.

B. General Provisions

- 3. This Order shall take effect immediately and, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services, this Order shall remain in effect until, whichever occurs earlier, the termination of the County Health Officer Order, including any amendments and successors thereto, or December 31, 2022, provided that City Council ratifies the need for continuing the local emergency due to COVID-19 every 60 days.

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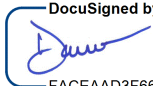
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4. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The City Manager hereby declares that he would have issued this Order, the Executive Order, and any Supplement or Revised or Corrected Supplement to the Executive Order, and each and every section, subsection, sentence, clause, or phrase of this Order, the Executive Order, and any Supplement or Revised or Corrected Supplement to the Executive Order not declared invalid or unconstitutional, without regard to whether any portion of this Order, the Executive Order, or any Supplement or Revised or Corrected Supplement to the Executive Order would be subsequently declared invalid or unconstitutional.

ADOPTED this 29th day of June 2022.

DocuSigned by:

By: FACEAAD3F66A489...
DAVID WHITE
City Manager
Director of Emergency Services

ATTEST:

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DENISE ANDERSON-WARREN
City Clerk

APPROVED AS TO FORM:

DocuSigned by:

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DOUGLAS SLOAN
City Attorney