CDC Eviction Moratorium Illegal - Ruling by US 6th Circuit Court of Appeals

July 23, 2021 - Last year the Centers for Disease Control (CDC) issued a moratorium on rental evictions. The CDC reasoned that because millions of people had lost their jobs due to COVID19 lockdowns, many of them wouldn't be able to pay their rent. If these people became homeless, or had to move around a lot, they could potentially make the spread of the virus worse. A moratorium could prevent that. But according to the court, they didn't have the legal authority to issue such a rule.

Tweet

(function() {
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];

s.type = 'text/javascript';
s.src = 'http://widgets.digg.com/buttons.js';
s1.parentNode.insertBefore(s, s1);
})();

(function() {
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;
po.src = 'https://apis.google.com/js/plusone.js';
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);
})();

The CDC had argued that congress had given them the authority for the rule in it the COVID relief package that was passed last year. They had also argued that even without that bill, the CDC would have had such authority because part of its mission to prevent the spread of disease.

The court disagreed and their opinion was unanimous. Judge Amul Thapar wrote, "While landlords and tenants likely disagree on much, there is one thing both deserve: for their problems to be resolved by their elected representatives." This implies that both the legislative and executive branches of government failed to address this issue in the legislation that they signed into law.

The practical effects of the ruling are limited. The moratorium was already slated to expire at the end of this month and the court only ruled for the 6th Circuit's area rather than having the ruling apply nationwide. That means that the immediate effect will only impact evictions in Kentucky, Ohio and Tennessee.

But there was speculation that the CDC would extend the moratorium; possibly to the end of this year. This ruling makes that much less likely.

The bottom line here for renters and landlords alike is that evictions for nonpayment of rent are likely to begin again in August.
by Jim Malmberg
Note: When posting a comment, please sign-in first if you want a response. If you are not registered, click here. Registration is easy and free.

Follow ACCESS