

# U.S. Supreme Court Decision Ends CDC Eviction Moratorium Once and For All

August 30, 2021

Yesterday, in the case of *Alabama Association of Realtors v. Department of Health and Human Services*, the United States Supreme Court issued a per curiam ruling on an application for emergency relief striking down the CDC Eviction Moratorium as unconstitutional.

As discussed in a prior blog post, in August, the CDC had signed an **Order** extending the CDC Eviction Order, which temporarily halted nonpayment evictions for tenants who invoked the Order's protections through submission of a CDC Hardship Declaration, until October 3. Yesterday's Supreme Court decision ends the CDC eviction moratorium, by reinstating the previous court order blocking the CDC's latest order.

In the majority opinion, the U.S. Supreme Court made it clear that the CDC **does not have the authority** to deprive landlords of their property rights, no matter how serious the coronavirus pandemic might be.

The Court stated: "It would be one thing if Congress had specifically authorized the action that the CDC has taken. But that has not happened. Instead, the CDC has imposed a nationwide moratorium on evictions in reliance on a decades-old statute that authorizes it to implement measures like fumigation and pest extermination."

The CDC had based the eviction moratorium on its statutory authority to make rules necessary to prevent the spread of diseases across state lines. That is "a wafer-thin reed on which to rest such sweeping power," the court said. "It strains credulity to believe that this statute grants the CDC the sweeping authority that it asserts."

The court said that any further federal eviction moratorium would have to come from Congress.

More details will be provided as soon as they come in.

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