

U.S. Supreme Court Ends the Eviction Moratorium

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On August 26th, the Supreme Court ended the nationwide eviction moratorium that began in September, 2020, and was set to expire on October 3, 2021. In an unsigned majority opinion, the Court ruled that the CDC exceeded its authority by issuing the eviction moratorium. The Court majority reasoned that it “strains credulity” to find that the CDC’s reliance on a decades old statute – that relates to extreme measures for fumigation and pest extermination in emergency situations – “grants the sweeping authority that it asserts” in halting evictions. *Alabama Assn. of Realtors, et al. v. Department of Health and Human Services, et al.*, 594 U.S. ____ (2021). In issuing the moratorium, the CDC was reliant upon the 1944 Public Health Service Act, that had rarely been invoked and was never before used to justify an eviction moratorium. The Supreme Court noted that the “[r]egulations under this authority have generally been limited to quarantining infected individuals and prohibiting the import or sale of animals known to transmit disease.” See, e.g., 40 Fed. Reg. 22543 (1975). The Court also referenced the fact that Congress has the authority to issue (or reinstate) an eviction moratorium, but again made clear, the CDC does not.

The Decision ending the eviction moratorium takes immediate effect, and is binding precedent on all jurisdictions in the U.S. If you have questions about the end of the eviction moratorium, please contact Ken Scholtz at kscholtz@tuckerlaw.com.