



BANKRUPTCY BLOG

Eviction Moratoriums - The Saga Continues...

AUTHOR: SHARON L. STOLTE

United States District for the District of Columbia Judge Dabney Friedrich, threw out the U.S. Centers for Disease Control and Prevention's nationwide moratorium on evictions, blocking enforcement. Judge Friedrich explained that the plain language in the Public Health Service Act blocks the moratorium. Landlords and real estate trade groups have argued the CDC simply lacks power to impose such moratoriums.

While realtors welcomed the decision, explaining that better financial assistance could help tenants, there are still at least forty-three states and Washington, D.C. that have imposed their own temporary halts on residential or business evictions. Keeping track of these various restrictions is challenging, however, as they are far from uniform.

With this latest decision, there are now numerous conflicting court rulings at the district court level, with several judges ruling in favor of the moratorium and several ruling against.

The National Association of Realtors told the Biden administration in January that an estimated 40 million Americans had fallen behind on rent, with \$70 billion of missed payments by the end of 2020.

The Justice Department's Civil Division has filed a notice of appeal of the decision.