

## **Court Invalidates CDC Eviction Ban 5/5/2021**

U.S. District Court of the District of Columbia struck down a nationwide eviction moratorium Wednesday. The ruling has application nationwide.

As many of you know, the moratorium was an extraordinary measure put in place last year by the Centers for Disease Control and Prevention (CDC), claiming authority under the Public Health Service Act during health emergencies. The moratorium was most recently extended through the end of June.

The Court's ruling boiled down to a very specific question: "Does the Public Health Service Act grant the CDC the legal authority to impose a nationwide eviction moratorium?" U.S. District Court Judge Dabney L. Friedrich held that the CDC did not possess the necessary authority to impose such a moratorium. Therefore, the moratorium ends immediately.

Realtors® and landlords have been following this issue since the ban was introduced, urging federal lawmakers and the CDC to permanently suspend the moratorium and redirect focus to rental assistance for both landlords and tenants. NAR was successful in its lobbying efforts to secure nearly \$50 billion in rental assistance provided by Congress to help tenants pay their bills and provide relief to housing providers who have lost income. This federal relief option provided a strong argument that the eviction ban was unnecessary.

While this ruling offers important clarity regarding landlord and tenant rights, it will be extremely important for the elected officials in both state and federal government to find common ground to direct the distribution of approved rental assistance in a timely and efficient manner.

It is also important to note that the Michigan Supreme Court has issued an order establishing specific procedures and timing for landlord/tenant cases during the pandemic. That order can be found [here](#). Michigan Realtors® will continue to follow this important ruling, updating members regarding any additional statewide impacts.

## **Update – 5/6/2021**

I wanted to give you brief update on the status of CDC Eviction Moratorium. After the news broke yesterday, the Government asked the Court for a stay pending appeal, which would have the effect of keeping the CDC order in place until a higher court has a chance to consider the matter. Judge Friedrich has put the matter on a (very) temporary hold in order to give the plaintiff Realtor® associations and landlords an opportunity to file a response to the stay request. Judge Friedrich's filing deadlines are quite short, which suggests that we should have a ruling on the stay question within a few weeks. That said, it will be important for landlords and property managers to keep an eye on the progress of this matter. We will keep updating as more details become known.