

SCOTUS Leaves In Place Temporary Moratorium on Evictions Through July 31, 2021

July 8, 2021

As you may know, the Centers for Disease Control and Prevention (“CDC”) has issued and extended an Order imposing a temporary moratorium on certain residential evictions in the United States during the COVID-19 Emergency, which was recently challenged by a group of landlords as being in excess of the CDC’s authority to respond to public health emergencies. Last week, the United States Supreme Court [denied](#) the landlords’ request to vacate the CDC’s moratorium, leaving the [eviction ban](#), as recently renewed by the CDC, in place through July 31, 2021.

In the proceedings below, a judge of the U.S. District Court for the District of Columbia had determined that the CDC exceeded its authority in issuing the eviction moratorium, and that Congress had not ratified the CDC’s unauthorized moratorium when it briefly extended the eviction ban through January 31, 2021, by virtue of the CARES Act. Because the judge determined that the CDC had exceeded its authority in issuing the eviction moratorium, she ordered that the CDC’s moratorium be set aside. That said, due to the significant implications of the decision, the judge decided to stay the effect of her Order while the CDC appealed the decision. A group of landlords asked the United States Supreme Court to vacate that stay pending appeal, but the Court declined to do so, leaving the CDC’s moratorium in place through July 31, 2021 or unless the lower court judge reconsiders her prior decision to stay the effect of her decision pending appeal.

As a result of this decision, any housing authority or municipal entity that acts as a landlord should be aware that under the CDC Order, a “covered person” cannot be evicted from a residential owner’s property until the Order expires. Absent further legislative or judicial action, once the CDC moratorium expires, certain state law requirements regarding the process for residential evictions will be triggered. For more information in this regard, please see our prior eUpdate, which can be found [here](#). In light of these pending requirements, you are encouraged to consult with counsel regularly to ensure that you have the most up-to-date information.

We will, of course, continue to keep you apprised of new developments. In the meantime, should you have questions, please contact your KP Law attorney or e-mail us at coronavirusinfo@k-plaw.com.

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