



July 23, 2021

UPDATE #40

New Case Indicates that the CDC Moratorium is Unlawful

Friends:

Today, the Sixth Circuit Court of Appeals ruled that the Centers for Disease Control and Prevention (CDC) exceeded its authority in implementing the CDC Eviction Moratorium. The opinion does not explicitly vacate the moratorium but makes it clear that the CDC's moratorium on evictions is unlawful.

Practically, this means that the CDC does not have the authority to stop residential evictions across the nation. However, because the Court did not explicitly vacate the moratorium, it is unclear what force and effect the ruling will have in local courts or how it will be interpreted by local judges. The decision can certainly be used to oppose the enforceability of the CDC Moratorium moving forward.

The moratorium is currently set to expire on July 31, 2021, and given its impending expiration, we are hopeful that the decision means that the moratorium will not be extended any further. In the meantime, we will use this case as necessary to oppose the enforceability of the CDC moratorium in court. We will issue additional updates once we receive clearer guidance on the implications of this decision.

If you have additional questions, please let us know.

Very Truly Yours,

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