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SCOTUS Opinion: Court Narrowly Declines To Lift Nationwide Moratorium On Evictions—For Now

30 Jun 2021

In the early days of the pandemic, Congress enacted a temporary hold on evictions nationwide that expired in July of 2020. On September 4, 2020, the Centers for Disease Control and Prevention (CDC) issued an order creating another nationwide moratorium on most evictions, purportedly under authority of the Public Health Service Act. A variety of realtors challenged the order, and the district court vacated it under the Administrative Procedure Act, but stayed the judgment pending appeal. The D.C. Circuit refused to vacate the stay, and the realtors appealed to the Supreme Court.

The Court also declined to vacate the stay by a 5-4 vote. Justice Kavanaugh, as the crucial fifth vote, wrote that he agreed the CDC overstepped its authority in ordering the eviction moratorium, but voted against relief solely because the order was already set to expire soon, on July 31, 2021, to allow the dispersal of rental assistance funds. Justices Thomas, Alito, Gorsuch, and Barrett would have vacated the stay.

A link to the order in *Alabama Association of Realtors v. Department of Health and Human Services* is here: https://www.supremecourt.gov/opinions/20pdf/20a169_4f15.pdf

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TAGGED: Administrative Procedure Act, Moratorium, Evictions, Centers for Disease Control and Prevention, Public Health Service Act, Alabama Association of Realtors v. Department of Health and Human Services