

BACKGROUND & TALKING POINTS

CDC Eviction Moratorium Expiration

August 27, 2021

- **On August 26, 2021, the Supreme Court, in a 6-3 ruling, [vacated the stay](#) on the D.C. District Court decision, which held the eviction moratorium exceeds the Centers for Disease Control and Prevention’s (CDC’s) authority, ruling in favor of the Alabama and Georgia Associations of REALTORS®, two housing providers, and their property management companies (the plaintiffs).**
 - In the ruling, the Supreme Court held that specific Congressional authorization was necessary for a federal eviction moratorium to continue. The Justices wrote that “[c]areful review of that record makes clear that the applicants are virtually certain to succeed on the merits of their argument that the CDC has exceeded its authority. It would be one thing if Congress had specifically authorized the action that the CDC has taken. But that has not happened.”
 - Read NAR’s [statement on the ruling](#) and [background on the ruling and litigation](#).
- **The CDC’s actions were a result of repeated calls on the Administration to act after Congress failed to pass legislation to extend the eviction moratorium at the end of July. NAR, its members, and its industry partners [focused advocacy efforts](#) on effective deployment of rental assistance that helps both tenants and housing providers rather than endorsing any extensions.**
- **Housing providers should keep in mind that some state and local governments may still have their own eviction moratoria in place.**
 - In addition, some state court systems adopted policies barring or disfavoring the filing of eviction proceedings in light of the CDC eviction moratorium orders.
 - See [NAR’s Real Estate Industry Impact Watch Report Special Edition on Eviction Moratoriums](#) for the latest breakdown of state eviction moratoriums and links to rental and mortgage assistance programs in each state.
- **After letting the previous eviction moratorium expire on July 31, 2021, and when Congress failed to extend, the Centers for Disease Control and Prevention (CDC’s) on August 3, 2021, [reimposed a ban on evictions](#) effective through October 3, 2021, which effectively ended with the recent Supreme Court ruling**
 - The latest extension was focused on halting evictions in counties with “heightened levels of community transmission.” Based on current CDC COVID-19 data, the order was estimated to cover 90 percent of the population.
 - Application of the moratorium followed the level of COVID infection rates in a given county as tracked by the CDC, which could be lifted or reinstated based on rates of transmission over 14 consecutive days.
 - With NAR’s support, the plaintiffs, who originally filed a lawsuit against the CDC in November 2020 on behalf of housing providers nationwide, again challenged the latest extension of the eviction moratorium that resulted in the [Supreme Court’s August 26 ruling](#).



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- **Housing providers, including the millions of mom-and-pop property owners across the country, still see eviction as a last-resort and continue to look for ways to avoid evicting renters however possible.**
 - Arrangements made with tenants by NAR members include helping tenants secure rental assistance and working out payment plans to cover owed rent, among others. Eviction procedures, when absolutely necessary, vary greatly by state, are not immediate, and have safeguards built-in to promote equitable results for both parties.
- **NAR has always maintained that the best solution for all parties is rental assistance paid directly to housing providers, which would cover bills for tenants struggling as a result of the pandemic and at the same time, provide small mom-and-pop property owners with the rental income they've been missing to pay their own bills and maintain their properties.**
 - NAR has advocated for and helped secure nearly \$50 billion in federal rental assistance funding. It [continues to support](#) its members in their efforts to obtain these critical funds for their tenants and remains one of the most vocal and committed public opponents of the CDC's eviction moratorium.
 - NAR also continues to work within a large, [industry-wide coalition opposing the CDC order](#) and advocating for effective deployment of emergency rental assistance..
- **As advocated for by NAR, the White House recently released additional guidance aimed at speeding up and improving distribution of Emergency Rental Assistance Program (ERAP) funds to tenants and housing providers in need.**
 - [Read more about the ERAP changes](#), including the allowance of allowing self-attestation, advances for housing providers, and ensuring that previous addresses are eligible for ERAP funds.
 - NAR also recently met with the Consumer Financial Protection Bureau (CFPB) to discuss methods for better communicating the availability of aid to both renters and housing providers who can benefit from it. That feedback was used to develop a brand new [helpful toolkit](#) for renters and housing providers on accessing rental assistance.
- **NAR will continue to work with the Administration and Congress to improve the distribution of ERAP funds and ensure they are getting to tenants who qualify so their housing providers can be made whole.**
- **Rental Assistance Resources**
 - [Check out this comprehensive list](#) of rental assistance resources from NAR and federal government agencies.

