

## BACKGROUND & TALKING POINTS

### CDC Eviction Moratorium Expiration

July 28, 2021

- **As of July 31, 2021, the Centers for Disease Control and Prevention's (CDC's) eviction moratorium will end, after first being put in place in the fall of 2020.**
  - However, housing providers should keep in mind that some state and local governments may still have their own eviction moratoria in place that may still be in effect. Check out [NAR's COVID-19 Industry Impact Watch: Real Estate \(July 2021\)](#), and the resources listed below for more information.
  - In addition, some state court systems adopted policies barring or disfavoring the filing of eviction proceedings in light of the CDC eviction moratorium, which may not be automatically lifted when the CDC order expires at the end of July.
- **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.
  - NAR 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.
- **The CDC's action follows a June 29, 2021 decision by the U.S. Supreme Court in a case brought by the Alabama and Georgia Associations of REALTORS® and two housing providers with NAR's support, where five justices agreed the CDC lacked the authority to implement a nationwide eviction moratorium.**
  - At that time however, the Court also determined that the order would remain in place until the end of July to allow for distribution of rental assistance. With a total of five Justices deciding to keep the moratorium in place until the end of July, the request to vacate the stay requested was denied.
- **Private property rights in American scored a significant victory with this Supreme Court decision, with four of the Supreme Court's justices agreeing on the merits with the case challenging the lawfulness of the eviction moratorium on a number of statutory and**



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**constitutional grounds, stating they would have granted the request to end the eviction ban immediately.**

- While Justice Kavanaugh was the deciding vote to keep the moratorium in place until the end of July, the key takeaway came from his concurring opinion, where Justice Kavanaugh expressed his belief that the CDC lacked authority to issue the nationwide ban on evictions. *"In my view, clear and specific congressional authorization (via new legislation) would be necessary for the CDC to extend the moratorium past July 31,"* he wrote.
- **This set the stage for the moratorium to expire at the end of July and, more importantly, sets the precedent that the federal government cannot institute a similar order or extension in the future without congressional authorization.**
  - Other federal courts in similar cases have also held against the CDC's actions, further solidifying the agency's lack of legal authority to issue a federal eviction moratorium.

#### Resources:

- [NAR's Page on Rental Assistance Resources](#)
- [NAR's Recent Statement to Congress on the Eviction Moratorium](#)
- [Real Estate Industry Impact Watch: State by State Eviction and Foreclosure Moratoriums](#)
- [State and Local Coronavirus Resources](#)
- [NAR's Coronavirus Housing Providers FAQs](#)
- [Emergency Rental Assistance Program](#)
- [Supreme Court Order](#)
- [REALTOR® Daily News Story on the Supreme Court Decision](#)
- [NAR Statement on the Supreme Court Decision](#)
- [CDC Eviction Moratorium Background](#)
- [CDC Litigation Background](#)

