

# BACKGROUND & TALKING POINTS

## CDC Eviction Moratorium

August 4, 2021

- **After letting the previous eviction moratorium expire on July 31, 2021, the Centers for Disease Control and Prevention (CDC's) on August 3, 2021, [reimposed a ban on evictions effective through October 3, 2021.](#)**
  - The latest action is focused on halting evictions in counties with “heightened levels of community transmission.” Based on current CDC COVID-19 data, the order is estimated to cover 90 percent of the population.
  - Application of the moratorium follows the level of COVID infection rates in a given county as tracked by the CDC, which may be lifted or reinstated based on rates of transmission over 14 consecutive days.
- **Housing providers should keep in mind that some state and local governments may still have their own eviction moratoria, which may be more restrictive than what the CDC has issued and thus unimpacted. Check out [NAR's COVID-19 Industry Impact Watch: Real Estate \(July 2021\)](#), and the [Rental Assistance Resources page](#) 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 orders.
- **The CDC's actions are 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.**
  - Supporters of the ban have acknowledged the action would face legal obstacles, and NAR is currently exploring all potential avenues in light of the support provided to the [ongoing litigation](#) brought by the Alabama and Georgia Associations of REALTORS®, two housing providers, and their property management companies.
- **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.



## BACKGROUND & TALKING POINTS

### CDC Eviction Moratorium Expiration

August 4, 2021

- 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.
- **Private property rights in American scored a significant victory with the June 29<sup>th</sup> [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 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.
  - As a result of this action and CDC's recent order, NAR is exploring all legal avenues available while focusing on the effective deployment of rental assistance to continue our mission of preserving, protecting, and advancing private property rights.
- **Rental Assistance Resources**
  - [Check out this comprehensive list](#) of rental assistance resources from NAR and federal government agencies.

