



Alabama Association of Realtors v. HHS, 141 S. Ct. 2485 (2021)

Topics Covered: COVID-19, Public Health

Outcome: Unfavorable

Issue

The issue in this case was whether the Centers for Disease Control and Prevention (CDC) moratorium on evictions for non-payment of rent during the Covid-19 pandemic was valid.

AMA Interest

The AMA will advocate for: (1) policies that prevent evictions during public health emergencies; and (2) prevention of termination of life-essential utilities during public health emergencies.

Case Summary

In March 2020, Congress enacted a 120-day eviction moratorium that applied to rental properties receiving federal assistance as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). After that moratorium expired in September 2020, the U.S. Department of Health and Human Services (HHS), through the CDC, issued an order implementing a broader eviction moratorium that applied to all rental properties nationwide. The original order was set to expire on December 31, 2020, but Congress and the CDC each extended the order.

In November 2020, a consortium of property owners and trade associations sued HHS, the CDC, and others, claiming that the CDC order prevented them from asserting possession of their property and evicting tenants.

On May 5, 2021, the U.S. District Court for the District of Columbia ruled in favor of the plaintiffs and struck down the CDC eviction moratorium, concluding the moratorium exceeded the limits Congress placed on the CDC's authority. The court ruled that the moratorium would no longer be valid anywhere in the country, not just to these parties.

On May 14, 2021, the district court granted the government's request for an emergency stay, which meant the CDC eviction moratorium remained in place nationwide during pendency of the appeal. Following the district court's entry of the stay, the plaintiffs sought review by both the D.C. Circuit Court of Appeals and the United States Supreme Court, asking the courts to

immediately reverse the stay and allow evictions to proceed.

On June 29, 2021, the Supreme Court denied the plaintiffs' emergency request by a 5-4 vote, allowing the moratorium to remain in place until the end of July.

After the CDC released an updated moratorium, the Supreme Court was again asked to step in and allow evictions to proceed. On August 26, 2021, the Court granted the plaintiffs' emergency application by a vote of 6-3, thus invalidating the CDC moratorium.

Litigation Center Involvement

The Litigation Center and the Medical Society of the District of Columbia joined *amicus* briefs in both the D.C. Circuit Court of Appeals and the United States Supreme Court supporting the CDC's eviction moratorium.

United States Supreme Court Brief

D.C. Circuit Court of Appeals Brief