



Apartment Association of Los Angeles County v. City of Los Angeles, 10 F.4th 905 (9th Cir. 2021)

Topics Covered: COVID-19, Public Health

Outcome: Favorable

Issue

The issue in this case was whether the City of Los Angeles violated the United States Constitution when it enacted an eviction moratorium and rent freeze ordinance in response to the Covid-19 pandemic.

AMA Interest

The AMA supports policies that prevent evictions during public health emergencies.

Case Summary

In May 2020, the City of Los Angeles adopted several measures designed to combat the Covid-19 pandemic, including Ordinance 186606 (“the Moratorium”), which “temporarily prohibits evictions of residential and commercial tenants for failure to pay rent due to Covid-19 and prohibits evictions of residential tenants during the emergency for no-fault reasons, for unauthorized occupants or pets, and for nuisances related to Covid-19.” An association representing rental housing owners and managers filed suit challenging the City’s Moratorium. The Association alleged that the Moratorium violates landlords’ rights under the Contract Clause, the Due Process Clause, the Takings Clause, and the Tenth Amendment of the Constitution. The Association also sought a preliminary injunction to halt the ban.

In November 2020, the district court denied the Association’s request for an injunction, finding that the Moratorium was a reasonable government action designed to protect renters and the general public during the pandemic. While the court acknowledged the harm that Covid-19 had inflicted on owners and renters alike, it concluded that the balance of harms weighed in favor of freezing evictions for non-payment of rent.

The Association appealed to the Ninth Circuit. On August 25, 2021, the Ninth Circuit Court of Appeals issued an opinion rejecting the plaintiffs’ attempt to invalidate the district court’s injunction. The court concluded that the Moratorium did not violate the Contracts Clause of the

United States Constitution, which was the only argument presented by the plaintiffs on appeal. The case was remanded to the district court.

Litigation Center Involvement

The Litigation Center and the California Medical Association filed an *amicus* brief to support the City and the Moratorium.

Ninth Circuit Court of Appeals Brief