



Brown v. Azar, 497 F. Supp. 3d 1270 (N.D. Ga. 2020)

Topics Covered: COVID-19, Public Health

Outcome: Favorable

Issue

The issue in this case was whether a 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 response to the public health dangers posed by COVID-19, the CDC ordered that landlords be prohibited from evicting tenants for nonpayment of rent during the pandemic.

A landlord who owned residential real estate wished to evict a tenant for non-payment of rent. He sued the Department of Health and Human Services, the CDC, and others, claiming that the CDC order prevented him from asserting possession of his property. He raised claims under statutory and constitutional legal theories and sought to enjoin the moratorium. The district court denied the plaintiff's motion for preliminary injunction and ruled that the eviction moratorium was a proper exercise of the CDC's public health power.

AMA Involvement

The AMA, along with numerous specialty medical societies and other organizations and individuals, submitted an *amicus* brief to support the moratorium and detail the public health impact of homelessness during the COVID-19 pandemic.

United States District Court for the Northern District of Georgia Brief