



# Terkel v. CDC (5th Cir.)

Topics Covered: COVID-19, Public Health

## Issue

The issue in this case is whether a Centers for Disease Control and Prevention (CDC) moratorium on evictions for non-payment of rent during the COVID-19 pandemic is 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 consortium of property owners sued the Department of Health and Human Services, the CDC, and others, claiming that the CDC order prevented them from asserting possession of their property and evicting tenants. They raised claims under statutory and constitutional legal theories. Oral argument has been heard, and the case is under advisement.

## 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.

Fifth Circuit Court of Appeals Brief