

No. 20-56251

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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APARTMENT ASSOCIATION OF LOS ANGELES COUNTY, INC., dba  
“APARTMENT ASSOCIATION OF GREATER LOS ANGELES,”

*Plaintiff-Appellant,*

v.

CITY OF LOS ANGELES; ERIC GARCETTI, in his official capacity as Mayor  
of Los Angeles; and CITY COUNCIL OF THE CITY OF LOS ANGELES, in its  
official capacity; DOES 1 through 25, inclusive,

*Defendants-Appellees,*

ALLIANCE OF CALIFORNIANS FOR COMMUNITY EMPOWERMENT  
ACTION and STRATEGIC ACTIONS FOR A JUST ECONOMY,

*Intervenors.*

On Appeal from the United States District Court  
for the Central District of California  
No. 2:20-cv-5193-DDP-JEM  
Hon. Dean D. Pregerson

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**BRIEF OF AMICI CURIAE AMERICAN MEDICAL ASSOCIATION, CALIFORNIA  
MEDICAL ASSOCIATION, AND OTHER PUBLIC HEALTH ASSOCIATIONS AND  
PROFESSIONALS IN SUPPORT OF DEFENDANTS-APPELLEES**

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## STATEMENT OF INTEREST OF *AMICI CURIAE*

*Amici curiae*, whose names and affiliations are listed in Appendix A, are public health organizations and professionals dedicated to the promotion and maintenance of public health in the United States.<sup>1</sup> The American Medical Association (“AMA”) is the largest professional association of physicians, residents, and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all physicians, residents, and medical students in the United States are represented in the AMA’s policy-making process. AMA members practice in every medical specialty and in every state, including California.

The California Medical Association (“CMA”) is a non-profit, incorporated professional physician association of approximately 50,000 members throughout the State of California. The AMA and CMA join this brief on their own behalf and as representatives of the Litigation Center of the American Medical Association and the State Medical Societies. The Litigation Center is a coalition among the AMA and the medical societies of each state and the District of Columbia. Its purpose is to represent the viewpoint of organized medicine in the courts.

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<sup>1</sup> *Amici curiae* represent that no party’s counsel authored this brief in whole or in part, and that no party, party’s counsel, or any other person contributed money that was intended to fund preparing or submitting this brief. See Fed. R. App. P. 29(a)(4)(E).

The AMA, CMA, and the other *amici* associations and individuals are all dedicated to the promotion of public health in the United States. *Amici* have all closely studied the impacts of COVID-19 and evaluated which public policies most effectively combat the transmission of the disease while minimizing the necessary disruption to the broader economic and social life of U.S. residents. *Amici* are united in their conclusion that the City of Los Angeles’s Ordinance 186606 (“Eviction Moratorium”) is a critical public health safeguard that has allayed the transmission of COVID-19 in Los Angeles and should remain in place in order to continue doing so. For these reasons, explained more fully below, *amici* submit this brief in support of Appellees and request that the Court affirm the district court’s judgment denying the preliminary injunction at issue.

### **SUMMARY OF ARGUMENT**

Eviction moratoriums, like that passed by the City of Los Angeles (“City”), help reduce the spread of COVID-19. Across the United States, the COVID-19 pandemic has greatly exacerbated existing shortages and inequities in the housing rental market, pushing more people to the financial brink and at the risk of being ejected from their homes. Due to the ongoing economic volatility and widespread job loss the pandemic has created, millions of renters—most of whom do not possess savings designated for emergency situations—are unable to make rent payments. If the current eviction moratoriums across the country lapse or are overturned, it is

possible that 30-40 million people will face eviction from their homes in short order.<sup>2</sup> Even prior to the onset of COVID-19, 47.5% of all renter households in the country were “rental cost-burdened,” meaning that, within those households, over 30% of net income went towards rent payments.<sup>3</sup> In 2018, it was reported that 10.9 million renter households spent over 50% of net income on rent and one quarter of households below the poverty line spent upwards of 70% on rent.<sup>4</sup> In other words, the situation was distressed before COVID-19 put millions out of work.

While homelessness is always tied closely to public health, the connection between the two is even more troublesome due to how COVID-19 is transmitted. Unable to isolate in their own homes and often forced to crowd into other households, evicted tenants are less able to practice the social distancing and self-isolation guidelines that the Center for Disease Control (“CDC”) and other public health authorities have identified as the best way of protecting oneself. Thus, moratoriums on evictions reduce the spread of COVID-19 in Los Angeles and beyond. Without such protections, there will likely be increases in interpersonal contacts, overcrowding of residences and homeless shelters, homelessness, and housing insecurity, further inhibiting public efforts to stymie the spread of the virus

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<sup>2</sup> Emily Benfer et al., *The COVID-19 Eviction Crisis: An Estimated 30-40 Million People in America Are at Risk*, Aspen Inst. (Aug. 7, 2020), available at [ibit.ly/Ry1u](https://ibit.ly/Ry1u).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

through social distancing and self-quarantine efforts. Sadly, this is not conjecture: When North Carolina allowed its statewide eviction moratorium lapse for just over two months, a report determined that subsequent evictions resulted in 15,690 new COVID-19 infections and 304 new deaths.<sup>5</sup>

Not only does eviction contribute to COVID-19 spread; it also happens most often to demographics that are especially susceptible to severe negative health outcomes from infection. Both before and during the pandemic, underserved and high-risk populations as well as communities of color have been disproportionately harmed by existing and now-heightened inequities in the housing and health systems. For example, according to a recent national data set, only 26% of Black respondents remain confident they can continue to pay rent during the pandemic, contrasted with almost 50% of their white counterparts.<sup>6</sup> Furthermore, people of color have been found more likely to face eviction during events such as pandemics, and a recent study demonstrates that Black renters are more than twice as likely as white renters to be evicted.<sup>7</sup> If Los Angeles's Eviction Moratorium is overturned—

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<sup>5</sup> Ben Sessoms, *NC saw more than 15,000 COVID-19 cases during the summer due to evictions, study says*, News & Observer (Dec. 8, 2020), available at [ibit.ly/kMqT](https://www.wncn.com/story/news/2020/12/08/nc-covid-19-cases-summer-evictions-study-says/7011100002/).

<sup>6</sup> Annie Nova, *How the eviction crisis across the U.S. will look*, CNBC (Jul. 27, 2020), available at [ibit.ly/1GkJ](https://www.cnbc.com/2020/07/27/how-the-eviction-crisis-across-the-u-s-will-look.html).

<sup>7</sup> Benjamin F. Teresa, *The Geography of Eviction in Richmond: Beyond Poverty*, RVA Eviction Lab (2017), <https://bit.ly/3iFEmxu>; Deena Greenberg, Carl Gershenson & Matthew Desmond, *Discrimination in Evictions: Empirical Evidence and Legal Challenges*, 51 Harv. C.R-C.L. L. Rev. 115, 115-16 (2016).

in a county where the Black and Latino mortality rates are double and triple those of white residents, respectively<sup>8</sup>—it is likely that the bulk of people removed from the relative safety of their homes will be those who COVID-19 threatens the most. From the standpoint of public health and health equity, the reasonable restriction the Eviction Moratorium imposes—moderately delaying (not totally foreclosing) the collection of rent—is unquestionably justified by the measure’s public health impact in the City and surrounding regions. The Court should therefore uphold the City’s modest restrictions, and the district court’s sound reasoning, and thereby prevent a needless exacerbation of the current crisis.

## ARGUMENT

### **I. Mass Evictions Are Likely to Occur in Los Angeles if the Eviction Moratorium Is Overturned**

#### *A. In California Generally, and Los Angeles in Particular, Housing Equity and Security Were Distressed Prior to the Onset of the Pandemic*

Before COVID-19, many California renters faced housing insecurity and were already perilously close to eviction. California has the third highest rate of “cost burdened renter households” in the United States and, prior to the pandemic, half of all adults in the State and two-thirds of the State’s renters and occupants of low-

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<sup>8</sup> *LA County Daily COVID-19 Data*, County of Los Angeles, [ibit.ly/p113](https://ibit.ly/p113).

income households declared that housing costs were “a financial strain.”<sup>9</sup> Alongside this housing insecurity has come a significant statewide homelessness crisis. In 2019, California reported that there were 151,000 homeless individuals in the State, a 16% increase from the prior year.<sup>10</sup> That same year, California accounted for only 12% of the total United States population but contained 25% of the total national homeless population.<sup>11</sup> Based upon these numbers, and adjusted for the cost of living, California has the worst poverty rate in the country.<sup>12</sup>

In Los Angeles County—within which the City is the largest city by population—the numbers have been equally discouraging. As of 2019, Los Angeles was the seventh most expensive residential market in the country<sup>13</sup> and had a homeless population of 59,000.<sup>14</sup> According to the Los Angeles County Homeless Services Authority (“LAHSA”), in 2019, the County was finding housing for 130 people every day while 150 people simultaneously fell into homelessness.<sup>15</sup> By mid-

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<sup>9</sup> Daniel Tan, *How COVID-19 Could Deepen California’s Housing Crisis*, PPIC (Aug. 7, 2020), available at [ibit.ly/DLRF](https://ibit.ly/DLRF).

<sup>10</sup> Alicia Victoria Lozano, *How California’s homelessness crisis surged*, NBC News (Jan. 26, 2020), available at [ibit.ly/p3Xm](https://ibit.ly/p3Xm).

<sup>11</sup> Noah Buhayar & Christopher Cannon, *How California Became America’s Housing Market Nightmare*, Bloomberg (Nov. 6, 2019), available at [ibit.ly/qJex](https://ibit.ly/qJex).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *How California’s homelessness crisis surged*, *supra* n.10.

<sup>15</sup> *Id.*

2019, 75% of Los Angeles's homeless population was unsheltered, a situation that helped precipitate subsequent typhus and typhoid outbreaks.<sup>16</sup> That same year, the California Housing Partnership and Southern California Association for Nonprofit Housing reported that Los Angeles County would need to add 516,946 units of affordable housing to meeting the then-existing demand from low-income renters.<sup>17</sup> If the Eviction Moratorium is overturned or lapses, that already-immense number will swell further.

Within the preexisting housing and homelessness crisis, people of color in Los Angeles have suffered far more than their white counterparts. Before the pandemic began, Black residents comprised only 8% of Los Angeles County's population yet they made up 42% of the County's total homeless population.<sup>18</sup> A LAHSA report issued in 2019 found that, within the County, one in 40 Black residents was homeless, compared with one in 250 white residents.<sup>19</sup> Furthermore, due in part to factors such as gentrification and redevelopment, in 2016 alone, Latino

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<sup>16</sup> Reihan Salam, *Los Angeles Is in Crisis. So Why Isn't It Building More Housing?*, *The Atlantic* (Jun. 19, 2019), available at [ibit.ly/8G9Z](https://www.theatlantic.com/ibit/8G9Z).

<sup>17</sup> Elijah Chiland, *Report: LA needs 516,946 affordable homes to meet demand*, *Curbed* (May 21, 2019), available at [ibit.ly/kaMr](https://www.curbed.com/ibit/kaMr).

<sup>18</sup> Jugal K. Patel et al., *Black, Homeless and Burdened by L.A.'s Legacy of Racism*, *N.Y. Times* (Dec. 22, 2019), available at [ibit.ly/Eqiq](https://www.nytimes.com/ibit/Eqiq).

<sup>19</sup> Matt Tinoco, *A Groundbreaking Report Goes Deep On Black Homelessness In Los Angeles*, *LAist* (Feb. 26, 2019), available at [ibit.ly/yjeC](https://www.laist.com/ibit/yjeC).

homelessness skyrocketed by an unprecedented 63%,<sup>20</sup> and by 2017, Latinos comprised 35% of the total homeless population in Los Angeles.<sup>21</sup> Long before the arrival of COVID-19, communities of color were disproportionately impacted by the ever-growing Los Angeles housing crisis.

*B. The COVID-19 Pandemic has Made the Los Angeles Housing Crisis Worse*

The COVID-19 pandemic has only exacerbated housing insecurity and the homelessness crisis in both California and Los Angeles. The Turner Center for Housing Innovation at U.C. Berkeley reported that nearly 50% of California households have lost employment income since the onset of the pandemic in March and that 20.7% of households have little to no confidence in their ability to pay their rent or mortgage next month.<sup>22</sup> In Los Angeles, 60% of renters had reported a loss of employment income in their household.<sup>23</sup> While the homeless count in Los Angeles County was 66,433—a nearly 13% increase since 2019—homeless shelters have been forced to cut their available housing by 50% to comport with COVID-19

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<sup>20</sup> Devin Schwartz, *LA's housing crisis is one reason behind the huge increase in Latino homelessness*, KCRW (Jul. 12, 2017), available at [ibit.ly/xHWV](http://ibit.ly/xHWV).

<sup>21</sup> Melissa Chinchilla, *Stemming the Rise of Latino Homelessness: Lessons from Los Angeles County*, USC Price (2019), available at [ibit.ly/MJqL](http://ibit.ly/MJqL).

<sup>22</sup> Carolina Reid and Meg Heisler, *The Ongoing Housing Crisis: California Renters Still Struggle to Pay Rent Even as Counties Re-Open*, Turner Center for Housing Innovation, U.C. Berkeley (Oct. 2, 2020), available at [ibit.ly/eu3T](http://ibit.ly/eu3T).

<sup>23</sup> *Id.*



physical distancing best practices.<sup>24</sup> At the Union Rescue Mission, a homeless shelter in downtown Los Angeles, capacity dropped from approximately 1,000 beds to only 350.<sup>25</sup> As both rent insecurity and homelessness rise due to COVID-19, impacted individuals will only further struggle to obtain basic necessities such as food, clothing, and shelter. This will, in turn, inevitably contribute to the surging pandemic statistics in Los Angeles and the State more broadly.

Without the Eviction Moratorium, the actual homelessness numbers will only continue to grow. A joint UCLA-USC study released on August 31, 2020, found that—among households in Los Angeles that have not paid rent since the onset of the pandemic—approximately 98,000 tenants have been threatened by landlords with eviction, and 40,000 have actually had eviction proceedings initiated against them.<sup>26</sup> Unfortunately, this would be only the tip of the iceberg if the Moratorium were overturned. A 2020 UCLA study found that, due the hardships caused by COVID-19, *up to 449,000 people in Los Angeles County could face eviction*

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<sup>24</sup> Adrienne Alpert, *Coronavirus pandemic worsens homelessness, hunger crisis*, ABC7 News (Jul. 7, 2020), available at [ibit.ly/stsv](https://www.ibit.ly/stsv).

<sup>25</sup> Veronica Miracle, *LA's homeless crisis worsened by COVID-19 pandemic, as shelter space squeezed*, ABC7 News (Jan. 6, 2021), available at [ibit.ly/MZNM](https://www.ibit.ly/MZNM).

<sup>26</sup> *1 in 5 tenants in L.A. County has struggled with rent during the pandemic*, USC News (Aug. 31, 2020), available at [ibit.ly/ylzV](https://www.ibit.ly/ylzV).

*proceedings if they do not have eviction protection in the form of a moratorium.*<sup>27</sup>

Even with the Moratorium in effect, eviction defense attorneys have noticed an uptick in illegal landlord conduct, such as lockouts and frivolous lawsuits.<sup>28</sup>

In short, hundreds of thousands of Angelino renters are already at their breaking points. In a country where half of the rent-burdened households possessed fewer than \$10 dollars in savings prior to COVID-19,<sup>29</sup> those with few resources have had to deplete them, borrow from loved ones and friends, go into debt, and pay rent with credit cards.<sup>30</sup> Los Angeles was already leading the nation in housing instability and homelessness prior to pandemic; without the Eviction Moratorium, it will surely see its homeless and COVID numbers grow even more troubling.

## **II. By Preventing Additional Homelessness, the Eviction Moratorium Helps Slow the Spread of COVID-19 and Promote Public Health**

In addition to whatever benefit they would provide in normal times, eviction moratoriums are no doubt essential during the COVID-19 pandemic. As the CDC

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<sup>27</sup> Aaron Schrank, *LA County Extends Eviction Moratorium To End Of February And Boosts Protections For Renters*, LAist (Jan. 5, 2021), available at [ibit.ly/gXHi](https://www.ibeat.com/story/news/2021/01/05/la-county-eviction-moratorium-extended-to-february-2021/7040470002).

<sup>28</sup> *Id.*

<sup>29</sup> Pew Charitable Trust, *American Families Face A Growing Rent Burden* at 5 (2018), [https://bit.ly/2FcNiMZ](https://www.pewresearch.org/handouts/2018/07/26/rent-burden/).

<sup>30</sup> In April 2020, there was a 30% increase in credit card usage to pay rent. This was then followed by a further 20% increase in May 2020. See Rejane Frederick & Jaboa Lake, *Kicking Folks Out While They're Down: How the Premature Lifting of Coronavirus Restrictions Is Increasing Evictions and Worsening the Homelessness Crisis*, Center for Am. Progress (July 27, 2020), available at [ibit.ly/D4Kh](https://www.americanprogressaction.org/report/kicking-folks-out-while-theyre-down/).

noted in an order it promulgated in September 2020, eviction moratoriums directly “facilitate self-isolation” of individuals who become infected or are at greatest risk from the virus due to their underlying health conditions.<sup>31</sup> Furthermore, they allow government authorities to better implement and enforce stay-at-home and physical distancing orders, both of which are crucial to combatting the currently uncontrolled virus spread in Los Angeles.<sup>32</sup>

Without such moratoriums, evicted individuals’ options become limited, forcing them into risky decisions and circumstances during a pandemic. They may have to live “doubled up” with friends or family, stay in shelters, move frequently between different living situations, and sleep in their cars or outdoors, where they likely have no convenient access to bathrooms, personal protective equipment, and sanitizers.<sup>33</sup> Per a recent Census Bureau American Housing Survey, 32% of renters reported that, if evicted, they would move in with friends or family, thereby increasing crowding at a time when distancing is a vital prevention strategy.<sup>34</sup>

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<sup>31</sup> *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, Center for Disease Control, 85 Fed. Reg. 55,292, 55,294 (Sep. 4, 2020) (hereinafter “CDC Eviction Order”), available at [ibit.ly/qOyT](https://www.federalregister.gov/documents/2020/09/04/2020-18111/cdc-eviction-order).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*; Sonya Acosta, *Preventing Spike in Evictions Will Help Limit COVID-19’s Spread*, Center on Budget and Policy Priorities (Dec. 10, 2020), available at [ibit.ly/YRId](https://www.cbpp.org/2020/12-10-preventing-spike-in-evictions-will-help-limit-covid-19s-spread).

<sup>34</sup> CDC Eviction Order, 85 Fed. Reg. at 55,294.

Contacts in the household are estimated to be six times more likely to spread COVID-19 than forms of personal contact outside the home.<sup>35</sup>

Evictions also exacerbate the crisis by reducing individuals' access to testing and medical care more generally. In a statistical analysis concerning testing inequality in New York City, researchers found people in poorer neighborhoods are less likely to be tested than those in richer neighborhoods,<sup>36</sup> which strongly suggests that eviction would similarly reduce access to adequate testing. And regardless of where an evicted person moves to next, eviction has been shown to decrease an individual's access to primary and specialty medical care.<sup>37</sup> These facts taken together plausibly suggest that, by reducing access to testing and other medical treatment, evictions would accelerate the spread of COVID-19, particularly among asymptomatic individuals.<sup>38</sup>

Even seemingly minor alterations to one's housing situation can correlate to substantial increases in the rate of infectious disease transmission,<sup>39</sup> and past

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<sup>35</sup> *Id.*

<sup>36</sup> Schmitt-Grohé et al., *Covid-19: Testing Inequality in New York City* at 2, Nat'l Bureau of Econ. Research (Apr. 2020), available at [twtr.to/SNP4](https://twtr.to/SNP4).

<sup>37</sup> Mary Clare Kennedy et al., *Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs*, 21 AIDS & Behavior 678, 681, 683 (2017).

<sup>38</sup> *COVID-19 Basics*, Harvard Med. Sch. (Jan. 12, 2021), available at [bit.ly/3nviSa3](https://bit.ly/3nviSa3).

<sup>39</sup> Patrick K. Munywoki et al., *Frequent Asymptomatic Respiratory Syncytial Virus Infections During an Epidemic in a Rural Kenyan Household Cohort*, 212 J.

research has demonstrated that decreases in personal space—a near inevitability when an evicted person is forced to relocate—can lead to much greater exposure risk. During the influenza pandemic of 1918 (“Spanish Flu”), for example, it was determined that *the change between 78 square feet and 45 square feet of living space per person correlated with an increase in the rate of infection among residents by a factor of ten.*<sup>40</sup>

Removing eviction protections would inevitably lead to further spread of COVID-19. A team of epidemiologists at the University of Pennsylvania determined that a monthly eviction rate of .25% of all renter households infected an additional 1.5% of the population over the no-eviction baseline, and an eviction rate of 2% infected an additional 13% of the population.<sup>41</sup> Another study (currently undergoing peer review) conducted by epidemiologists at UCLA Fielding School of Public Health and Johns Hopkins School of Public health found that, if states had removed their eviction moratoriums in the initial months of March through

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Infectious Diseases 1711, 1711 (2015), available at <https://bit.ly/3nwYDJ2>; see also Abhishek Bakuli et al., *Effects of Pathogen Dependency in a Multi-Pathogen Infectious Disease System Including Population Level Heterogeneity—A Simulation Study*, 14 Theoretical Bio. & Med. Modelling 1, 1 (2017), available at <https://bit.ly/2IaVtdW>.

<sup>40</sup> C. Andrew Aligne, *Overcrowding and Mortality During the Influenza Pandemic of 1918: Evidence from U.S. Army Camp A.A. Humphreys, Virginia*, 106 Am. J. Pub. Health 642, 642 (2016).

<sup>41</sup> *Preliminary Research Shows Evictions Contribute to Spread of COVID-19*, National Low Income Housing Coalition (Sep. 8, 2020), available at [t.ly/QPU0](https://t.ly/QPU0).

September, there would have been up to 433,700 additional COVID-19 infections in the country and 10,700 additional COVID-related deaths.<sup>42</sup>

In New York State, the Social Science Research Network released a report finding that, as of November, 2020, the State eviction moratorium—which was put in place soon after the first wave of COVID-19—had saved the lives of 10,230 residents.<sup>43</sup> Due in large part to its sizeable population, in Texas alone, if the moratorium had been lifted, there could have been an estimated 150,000 new infections and over 4,500 deaths.<sup>44</sup> As a fellow high-population state, California no doubt faces similar risks if eviction moratoriums are removed, particularly in dense population centers such as Los Angeles where the spread of COVID-19 is already largely uncontrolled and infection numbers are some of the worst in the nation. For

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<sup>42</sup> Annie Nova, *Here's how the eviction crisis could increase the spread of Covid in the US*, CNBC (Dec. 11, 2020), available at [t.ly/BqOt](https://t.ly/BqOt). The numbers presented in this study were determined by looking at data from the 27 states that lifted eviction moratoriums during the during of their study and calculating incidence rates at 7 weeks, 10 weeks, and 16 weeks. Kathryn M. Leifheit et al., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*, SSRN (Oct. 2020), available at [tinyurl.com/yytbb5qh](https://tinyurl.com/yytbb5qh).

<sup>43</sup> *Report: NYS Eviction Moratorium has Saved the Lives of Over 10,000 New Yorkers* (Dec. 2020), available at [is.gd/uFxsF9](https://is.gd/uFxsF9). (To access the study's Microsoft Excel spreadsheet containing the raw data, click on the second hyperlink.)

<sup>44</sup> See Nova, *supra* n.42.

context, as of December 26, 2020, both central and southern California had 0% intensive care unit capacity.<sup>45</sup>

### **III. During the COVID-19 Pandemic, Evictions Disproportionately Harm High-Risk and Underserved Communities**

#### *A. Evictions Pose a Dire Threat to High-Risk Populations and Result in Long-Term Health Complications*

Those who are at highest risk of eviction during the pandemic—such as low-income individuals, essential workers, and communities of color<sup>46</sup>—are also more likely to suffer from certain conditions and illnesses that make them high risk for serious, often fatal, COVID-19 health outcomes. A study from 2018 found that the poorer a person is, the greater their risk of eviction will be as well as their likelihood of suffering from a serious long-term health problem such as diabetes, heart valve issues, asthma, hypertension, or cancer, to name a few.<sup>47</sup> According to the CDC, conditions such as cancer, heart disease, asthma, hypertension, and diabetes have all been determined to increase one’s risk of suffering a severe case of COVID-19, with cancer, heart disease, and diabetes, among others, possessing the “strongest and most

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<sup>45</sup> Bryan Pietsch, *Central and Southern California have 0 percent I.C.U. capacity, in a state already low on hospital beds.*, N.Y. Times (Dec. 26, 2020), available at [twtr.to/wEST](https://twitter.com/wEST).

<sup>46</sup> Tanya Albert Henry, *Eviction moratorium key weapon in pandemic fight, physicians say*, Am. Med. Ass’n (Nov. 2, 2020), available at [twtr.to/N2YE](https://twitter.com/N2YE).

<sup>47</sup> Robert Collinson & David Reed, *The Effects of Evictions on Low-Income Households* 25, 25-27, 66-67 (Dec. 2018), available at [bit.ly/3lrYftK](https://bit.ly/3lrYftK).

consistent evidence” of such correlation.<sup>48</sup> All of these aforementioned health conditions are most common in low-income populations and communities of color, both of whom are at the most at risk of being evicted.<sup>49</sup> Unfortunately, these risk determinations have borne out a predictable and unfortunate reality in Los Angeles: According to the County Public Health office, ***communities with the highest poverty rates have a COVID-19 mortality rate roughly four times higher than the mortality rate in communities with the lowest poverty numbers.***<sup>50</sup>

Not only does eviction happen most often to these most vulnerable groups—eviction itself often causes various comorbidities that in turn increase the risks of COVID-19. Those who are threatened with eviction are more likely to report health issues such as high blood pressure, depression, anxiety, and psychological distress.<sup>51</sup> Once evicted, people suffer higher mortality rates (regardless of cause), increases in heart disease (regardless of preexisting risk factors), higher rates of sexually

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<sup>48</sup> *Scientific Evidence for Conditions that Increase Risk of Severe Illness*, CDC (Nov. 2, 2020), available at [twtr.to/JMzS](https://twitter.com/JMzS).

<sup>49</sup> *Housing is the Best Medicine: Supportive Housing and the Social Determinants of Health*, Corp. for Supportive Housing (Jul. 2014), available at [bit.ly/2SFpvIQ](https://bit.ly/2SFpvIQ); see also Benfer, *supra* n.2.

<sup>50</sup> *Los Angeles County Announces 42 New Deaths Related to 2019 Novel Coronavirus (COVID-19) - 2,012 New Cases of Confirmed COVID-19 in Los Angeles County*, County of Los Angeles Public Health (Jun. 25, 2020), available at [twtr.to/iNp1](https://twitter.com/iNp1).

<sup>51</sup> Allison Bovell-Amman, *The Hidden Health Crisis of Eviction*, BU School of Public Health (Oct. 5, 2020), available at [twtr.to/VK1L](https://twitter.com/VK1L).



transmitted infections, and higher rates of drug use.<sup>52</sup> These health concerns, coupled with bad credit reports and public records, make it harder for evicted people to find new residences, thereby entrenching multigenerational poverty and poor health.<sup>53</sup>

*B. Across the Country and in Los Angeles, Evictions Disproportionately Impact Communities of Color, which Face Higher COVID-19 Risks*

Before the advent COVID-19, communities of color—and particularly Black and Latino populations—were the most frequent targets for eviction proceedings. A recent survey conducted by Apartment List found that Black households were more than twice as likely to face evictions than white households, after controlling for education.<sup>54</sup> Another statistical analysis found that Latino renters in white

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<sup>52</sup> See, e.g., Yerko Rojas, *Evictions and Short-Term All-Cause Mortality: A 3-Year Follow-Up Study of A Middle-Aged Swedish Population*, 62 Int'l J. of Pub. Health 343, 346 (2016); Dusica Lecic Tosevski and Milica Pejovic Milovancevic, *Stressful Life Events and Physical Health*, 19 Current Opinion Psychiatry 184, 185, 187 (2006); Linda M. Niccolai et al., *Eviction from Renter-Occupied Households and Rates of Sexually Transmitted Infections: A County-Level Ecological Analysis*, 46 Sexually Transmitted Diseases 63 (2019); Andreas Pilarinos et al., *The Association Between Residential Eviction and Syringe Sharing Among a Prospective Cohort of Street-Involved Youth*, 14 Harm Reduction J. 1, 3 (2017).

<sup>53</sup> See, e.g., Jaboa Lake, *The Pandemic Has Exacerbated Housing Instability for Renters of Color*, Center for American Progress (Oct. 30, 2020), available at [twtr.to/HRxt](https://www.twtr.to/HRxt).

<sup>54</sup> Terrence McCoy, *Eviction isn't just about poverty. It's also about race — and Virginia proves it.*, Wash. Post (Nov. 10, 2018), available at [twtr.to/gDTp](https://www.twtr.to/gDTp); Chris Salviati, *Rental Insecurity: The Threat of Evictions to America's Renters*, Apartment List (Oct. 20, 2017), available at [twtr.to/Zh5B](https://www.twtr.to/Zh5B).

neighborhoods who regularly missed rent payments were almost twice as likely as other habitually late payers to be evicted, suggesting that landlords believe Latino renters can be replaced by white ones.<sup>55</sup> In major cities such as New York, Chicago, Baltimore, Philadelphia, and Los Angeles, previous studies have determined that nonwhite tenants comprise the majority of all evicted individuals—in some jurisdictions they comprise over 80% of all evictions.<sup>56</sup> In another study, Black women in Milwaukee were found to be evicted at a higher rate than other groups; one in five Black women reported an eviction as adults, compared to one in twelve Latino women and one in fifteen white women.<sup>57</sup> Similarly, Black women are disproportionate targets for eviction—the ACLU found, based upon an analysis of four years of national eviction data, that Black female renters were filed against for eviction at a minimum of double the rate of white renters in 17 of the 36 surveyed states.<sup>58</sup>

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<sup>55</sup> Deena Greenberg et al., *Discrimination in Evictions: Empirical Evidence and Legal Challenges*, 51 Harv. C.R.-C.L. L. Rev. 115, 144-45 (2016), available at [twtr.to/7LYo](https://twtr.to/7LYo).

<sup>56</sup> Chester Hartman & David Robinson, *Evictions: The Hidden Housing Problem*, 14 Housing Pol’y Debate 461, 467 (2003), available at [twtr.to/jkGG](https://twtr.to/jkGG).

<sup>57</sup> Rachel Dovey, *What 80 Million Eviction Records Can Tell City Leaders*, Next City (Apr. 9, 2018), available at [twtr.to/pSFj](https://twtr.to/pSFj).

<sup>58</sup> Sophie Beiers et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU (Jan. 10, 2020), available at [twtr.to/whDK](https://twtr.to/whDK).

During the COVID-19 pandemic, renters of color have faced immense housing insecurity. In April, 2020, 61% of Latinos and 44% of Black residents reported to the Pew Research Center that they or someone in their household had experienced either job or wage loss due to the pandemic, compared with only 38% of white adults.<sup>59</sup> In that same survey, nearly three quarters of Black and Latino adults stated they did not possess emergency funds to cover three months expenses, compared with only 47% of white adults.<sup>60</sup> Almost half of both Black and Latino renters cannot pay at least some of their monthly bills, contrasted with only 26% of white adults.<sup>61</sup> For Black women in particular, money needed to pay for rent has been hard to come by, as—for those who lost employment due to the pandemic—the jobs return rate has been 1.5 times slower than it has been for white women.<sup>62</sup> Without the protection of eviction moratoriums, millions of people of color will face a bevy of pre-eviction threats, eviction proceedings, and ultimately, evictions themselves.

For many renters of color and their families, an eviction—in addition to irreparably harming financial security and housing security—would also seriously

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<sup>59</sup> Mark Hugo Lopez et al., *Financial and health impacts of COVID-19 vary widely by race and ethnicity*, FactTank (May 5, 2020), available at [twtr.to/VX76](https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> Lake, *supra* n.53.

harm their physical health. As it currently stands, communities of color have been hit significantly harder by the pandemic than their white counterparts. Per the CDC, Native Americans have 1.8 times the number COVID-19 cases as whites, 4.0 times the hospitalizations, and 2.6 times the deaths; Black individuals have 1.4 times the cases, 3.7 times the hospitalizations, and 2.8 times the deaths; and Latinos have 1.7 times the cases, 4.1 times the hospitalizations, and 2.8 times the deaths.<sup>63</sup> Death rates among Black individuals between 55-64 are higher than white death rates in the 65-74 age bracket, and rates for Black individuals in the 65-74 age bracket are higher than for whites aged 75-84.<sup>64</sup> *Within the 45-54 age bracket on its own, death rates among Black and Latino people are at least six times higher than the rate for whites.*<sup>65</sup>

Simply put, people of color are dying from COVID-19 at younger ages than white people and at greater rates. Driving these appalling numbers are deep inequities in health and safety resulting from factors such as the inability to work in a socially distanced manner at low-wage jobs, crowded living conditions stemming from systemic poverty and targeted eviction efforts, bias within the health

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<sup>63</sup> *Hospitalization and Death by Race/Ethnicity*, CDC (Nov. 30, 2020), available at [twtr.to/HtEj](https://www.cdc.gov/media/releases/2020/s1130-hospitalization-death-by-race-ethnicity.html).

<sup>64</sup> Tiffany Ford et al., *Race gaps in COVID-19 deaths are even bigger than they appear*, Brookings Inst. (Jun. 16, 2020), available at [twtr.to/Uivk](https://www.brookings.edu/blog/urban-affairs/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/).

<sup>65</sup> *Id.*

profession, and unequal access to health care.<sup>66</sup> Permitting evictions to continue unabated—at a time when financial insecurity is extremely high due to high joblessness rates—would unnecessarily exacerbate these already deeply disturbing racial biases in public health and in turn further hinder an already-fraught public vaccination effort.

In Los Angeles in particular, the numbers show that communities of color are indeed the hardest hit by the COVID-19 pandemic.<sup>67</sup> Per the County of Los Angeles Public Health office, Black and Latino death rates are almost two and three times the rate of for whites, respectively. Additionally, as of December 2020, Latino individuals—a sizable portion of the City’s and Los Angeles County’s residents—were twice as likely to contract COVID-19 than Black residents and three times more likely to do so than white residents.<sup>68</sup> If the Eviction Moratorium is overturned, Los Angeles’s communities of color—who are already suffering disproportionately

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<sup>66</sup> Emily A. Benfer et al., *Health Justice Strategies to Combat the Pandemic: Eliminating Discrimination, Poverty, and Health Inequity During and After COVID-19*, Yale J. Health Pol’y L. & Ethics (2020), available at [bit.ly/2GzVW9c](https://bit.ly/2GzVW9c).

<sup>67</sup> LA County Daily COVID-19 Data, *supra* n.8.

<sup>68</sup> *As L.A. County Surges Past Previous Highs of COVID-19 Deaths, Cases and Hospitalizations, Public Health Calls on Everyone to Stay Home During this Dangerous Time - 138 New Deaths and 22,422 New Confirmed Cases of COVID-19 in Los Angeles County*, County of Los Angeles Public Health (Dec. 16, 2020), available at [twtr.to/KKyx](https://twtr.to/KKyx); *Latinos in Los Angeles twice as likely to contract COVID: data*, Medical Press (Dec. 9, 2020), available at [twtr.to/po90](https://twtr.to/po90).

from the health and economic fallout of COVID-19—will be harmed the most severely.

In passing the Eviction Moratorium, the City enacted a measure that combats these longstanding disparities in public health and provides protections for lower-income populations more generally. This reasonable, temporary restriction is more than justified, both in terms of public health and health equity across demographics. To strike down the Eviction Moratorium now, when infections are spiking in the City, would needlessly threaten hundreds of thousands of Angelinos. Both the City and the district court in denying the preliminary injunction below, reasonably concluded that the benefits of this vital public health measure far outstrip its costs. This Court should reach the same conclusion.

### **CONCLUSION**

There is a clear and obvious connection between eviction and public health. Eviction moratoriums such as the City's, without question, have helped to mitigate the spread of COVID-19 and save lives—and they continue to do so. As the City struggles with unprecedented rates of infection and death, keeping the Eviction Moratorium in place will help control the rampant spread of the virus, safeguard the public health, and prevent severe and long-lasting harm from befalling hundreds of thousands of adults and children, especially those in low-income neighborhoods and

communities of color. For the reasons given above, *amici* urge the Court to reject Appellants' efforts to upend this important public health policy.

Dated: January 21, 2021

Respectfully submitted,

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## APPENDIX A

### List of *Amici Curiae* Public Health Organizations and Professionals

#### Organization Signatories:

American Medical Association

Beacon

California Medical Association

DOCS 4 POC

Doctors for America

Doctors for Camp Closure

Prevention Institute

Progressive Doctors

Southern California Providers for Health Equity

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Assistant Professor of Clinical Emergency Medicine; LAC+USC Medical Center, Department of Emergency Medicine; Co-Director USC Keck Human Rights Clinic; USC Gehr Family Center for Health Systems Science and Innovation

Tomás Torices, MD

Executive Director, American Academy of Pediatrics - California Chapter 2

## CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Fed. R. App. P. 29(a)(5) because it contains 5,602 words, excluding the portions exempted by Fed. R. App. P. 32(a)(7)(B)(iii). The brief's typeface and type style comply with Fed. R. App. P. 32(a)(5) and (6).

Date: January 21, 2021

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