

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHAMBLESS ENTERPRISES LLC, and
APARTMENT ASSOCIATION OF LOUISI-
ANA, INC.,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION, et al.

Defendants.

CIVIL ACTION NO. 20-cv-01455

Judge Terry A. Doughty

Magistrate Judge Karen L. Hayes

BRIEF OF *AMICI CURIAE* OF THE AMERICAN ACADEMY OF
PEDIATRICS; AMERICAN MEDICAL ASSOCIATION; CHILDREN’S HEALTHWATCH;
THE GEORGE CONSORTIUM; GLMA: HEALTH PROFESSIONALS ADVANCING
LGBTQ EQUALITY; LOUISIANA FAIR HOUSING ACTION CENTER; NATIONAL HIS-
PANIC MEDICAL ASSOCIATION; NATIONAL MEDICAL ASSOCIATION; PUBLIC
HEALTH LAW WATCH; EMILY A. BENFER; MATTHEW DESMOND; GREGG
GONSALVES; PETER HEPBURN; DANYA A. KEENE; KATHRYN M. LEIFHEIT;
MICHAEL Z. LEVY; SABRIYA A. LINTON; CRAIG E. POLLACK; JULIA RAIFMAN;
GABRIEL L. SCHWARTZ; and DAVID VLAHOV IN SUPPORT OF THE DEFENDANTS.

Counsel for Amici Curiae

Legal Intern:
Emilia Todd

EMILY A. BENFER
WAKE FOREST UNIVERSITY SCHOOL OF LAW
1834 Wake Forest Road, Winston-Salem, NC 27109
Telephone: (336) 758-5430
Email: benfere@wfu.edu

Legal Interns:
Salvatore Minopoli, Patrick Monaghan
Jacqui Oesterblad, Evan Walker-Wells
Logan Wren

JEROME N. FRANK LEGAL SERVICES ORGANIZATION
YALE LAW SCHOOL
J.L. Pottenger, Jr.
Richard L. Tenenbaum
127 Wall Street, New Haven, CT 06511
Telephone: (203) 432-4800
Email: j.pottenger@ylsclinics.org

LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW
DAVIDA FINGER, LSBA NO. 30889
WILLIAM P. QUIGLEY, LSBA NO. 7769
7214 St. Charles Ave. Box 902
New Orleans, Louisiana 70118
Telephone: 504-861-5596
Emails: dfinger@loyno.edu
quigley77@gmail.com

This brief has been prepared by a professor associated with Wake Forest University School of Law and Loyola University New Orleans College of Law, as well as a clinic operated by Yale Law School, but does not purport to present the schools' institutional views, if any.

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STATEMENT OF INTEREST OF *AMICI CURIAE*

The 21 *amici* include national and local public health, medical, social science and legal associations and experts who, based on their extensive research and work in these areas, recognize that housing is critical to protecting public health, preventing the spread of COVID-19, and ensuring health equity during the pandemic. The attached appendix (p. 26) goes into detail about each *amicus*.

SUMMARY OF ARGUMENT

Eviction moratoriums help reduce the spread of COVID-19. Millions of Americans entered the COVID-19 pandemic vulnerable to eviction due to a preexisting affordable housing crisis. The economic recession and widespread job loss resulting from pandemic mitigation strategies increased hardship among renters, who often lack savings to cover expenses during an emergency. COVID-19-related job and wage loss left millions unable to afford rent. This has created an unprecedented eviction crisis that disproportionately affects low-income populations and communities of color and increases COVID-19 infection and mortality. The Centers for Disease Control and Prevention (“CDC”) issued an agency order (“CDC Order”) to prevent evictions from spreading COVID-19 and worsening public health.

The CDC Order recites only the tip of the iceberg of health evidence linking evictions and COVID-19 spread. The best available studies suggest that complete and comprehensive eviction moratoriums can effectively slow the spread of COVID-19. Without effectively enforced moratoriums, evictions will likely increase to unseen heights, facilitating the transmission of infectious diseases, including COVID-19. Preliminary research and modeling demonstrate that eviction is associated with increased COVID-19 infection and mortality rates. The consequences of eviction (such as overcrowding, homelessness, and housing instability) increase contact with others and hinder compliance with the key strategies to contain COVID-19, including social distancing, self-quarantining, and hand hygiene.

The people most at risk of eviction are particularly vulnerable to COVID-19. Low-income populations are often exposed to social determinants of poor health and have chronic illness or disability and, as such, are at risk of serious complications or death as a result of COVID-19. Protecting public health during the pandemic requires protecting those most likely to contract, spread, and die from COVID-19. These deleterious health impacts and the spread of COVID-19 are tied to the act of eviction itself and are likely quite preventable if evictions are thoroughly halted under the CDC's moratorium at this critical turning point in the pandemic's course.

ARGUMENT

I. Mass Evictions are Likely in Louisiana & Nationwide without the CDC Order

A. Americans Faced Widespread Housing Insecurity Before the Pandemic

COVID-19 struck the United States when millions of adults and children already lived perilously close to eviction. Nationally, one out of four (10.9 million) renters spent over half of their income on housing before the pandemic due to stagnant wages, rising rents, and lack of federal

financial support.¹ The cost burden is even greater among households in poverty: one out of four spent over 70% of their income on rent in 2018.² In Louisiana, 32.0% of renter households were rent burdened—defined as spending between 30-50% of their income on housing—before the pandemic.³ In 2016, the last available year of nationwide eviction data, 3.7 million evictions were filed nationally,⁴ with 29,511 of those filings in Louisiana alone.⁵ This led the state to a 2.64% eviction rate, .30% above the national average.⁶

Compounding this material disadvantage, rent-burdened households often lack economic security or safety net. With the loss of 4 million affordable housing units from 2011-2017,⁷ and

¹ 10.9 million renter households (25% of all renter households) were spending over 50% of their income on rent each month in 2018. *America's Rental Housing 2020*, JOINT CTR. FOR HOUSING STUD. OF HARV. U. 4, 26 (2020), <https://bit.ly/3iJ95tx>.

² *American Housing Survey*, U.S. CENSUS BUREAU (2020), <https://bit.ly/3iFzF6H> (reflecting fraction of renters paying between 70% and 99% of their monthly household income as housing costs, among renters earning < 100% FPL who report positive income, nonzero rent, and who do not report paying 100% or more of total household income as total housing cost) (the latter category may include some extremely rent-burdened individuals—for example, a recently unemployed individual living off savings—but likely also includes a large number of individuals who are assisted by subsidies or other forms of support, as well as response errors).

³ *Map and Data*, EVICTION LAB, <http://evictionlab.org/map/#/2016> (last visited Dec. 4, 2020). (based on U.S. Census 2011-2016 American Community Survey).

⁴ *On the Brink of Homelessness: How the Affordable Housing Crisis and the Gentrification of America Is Leaving Families Vulnerable: Hearing Before the H. Comm. on Fin. Servs.*, 116th Cong. 3 (2020) (statement of Matthew Desmond), <https://bit.ly/3npCaxH>.

⁵ *Map and Data*, *supra* note 3.

⁶ *Id.*

⁷ *The State of the Nation's Housing 2019*, JOINT CTR. FOR HOUSING STUD. OF HARV. U. 4 (2019), <https://bit.ly/2GGa9RV>.

a dearth of 7 million affordable units for the lowest-income renters,⁸ many renters entered the pandemic vulnerable to eviction. As a result of the preexisting housing crisis, 18,320 public school students in Louisiana experienced homelessness in the 2017-2018 school year.⁹

B. The COVID-19 Pandemic Increased and Worsened Housing Precarity

In July 2020, 50 million renters reported living in households that suffered COVID-19-related job or wage loss, with the highest loss among low-income households.¹⁰ Between April and July, the national unemployment rate fluctuated between 10.2% and 14.7%; it fell to 6.9% in October.¹¹ By comparison, unemployment peaked at 10.0% during the Great Recession.¹² Unemployment rates in Louisiana in October are significantly above historic averages at 9.4%.¹³ Federal extended unemployment benefits provided crucial relief to families and individuals who suffered job loss and enabled them to temporarily pay rent. However, with the expiration of these benefits in July, unemployed renters now lack funds for basic necessities, like food, clothing, and shelter, and are at even greater risk of financial constraints leading to eviction and associated harms. The

⁸ *The Gap: A Shortage of Affordable Homes*, NAT'L LOW INCOME HOUSING COALITION 1 (Mar. 2020), <https://bit.ly/3d9FOa9>.

⁹ *Louisiana Homelessness Statistics*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS (last visited Dec. 4, 2020), <https://bit.ly/36JHRjL>.

¹⁰ Elizabeth Kneebone & Cecile Murray, *Estimating COVID-19's Near-Term Impact on Renters*, U.C. BERKELEY TURNER CNT. FOR HOUSING INNOVATION (Apr. 24, 2020), <https://bit.ly/34DIHgx>.

¹¹ *The Employment Situation—July 2020*, U.S. BUREAU OF LAB. STAT. *14 (Aug. 7, 2020), <https://bit.ly/3nuwulQ> (May, June, and July figures); *The Employment Situation—October 2020*, U.S. BUREAU OF LAB. STAT. *14 (Nov. 6, 2020), <https://bit.ly/38CkXvK>; *Unemployment Rates for States*, U.S. BUREAU OF LAB. STAT. (Nov. 20, 2020), <https://bit.ly/39OeZsj>.

¹² *Spotlight on Statistics: The Recession of 2007-2009*, U.S. BUREAU OF LAB. STAT., 2 (Feb. 2012), <https://bit.ly/2GuBoio>.

¹³ *See Over-the-Year Change in Unemployment Rates for States*, U.S. BUREAU OF LAB. STAT., <https://bit.ly/33H4XG7> (last modified Sept. 18, 2020).

last CARES Act benefits are now slated to expire on December 26, 2020; this will leave an additional 12 million Americans unemployed and without any government assistance.¹⁴

Nationwide, job loss is affecting Americans at significantly different rates based on race, ethnicity, class, disability, sexuality, and geography. Sixty-one percent of Hispanic/Latinx Americans and 44% of Black Americans said that they, or someone in their household, had experienced job or wage loss due to the coronavirus outbreak, compared with an already high 38% of white Americans.¹⁵

Without assistance or unemployment insurance, many renters are stretched to the breaking point. Half of the 20.8 million rent-burdened households had less than \$10 dollars in savings before the pandemic.¹⁶ Those with more resources have resorted to depleting savings, borrowing from family and friends, taking out loans, and paying rent with credit cards.¹⁷ Renters even reduced their

¹⁴ Andrew Stettner, *12 Million Workers Facing Jobless Benefit Cliff on December 26*, CENTURY FOUND. (Nov. 18, 2020), <https://bit.ly/3gjI9Ru>.

¹⁵ Kim Parker, Juliana Menasce Horowitz & Anna Brown, *About Half of Lower-Income Americans Report Household Job or Wage Loss Due to COVID-19*, PEW RES. CTR. (Apr. 21, 2020), <https://pewrsr.ch/30KzSPX>. In addition, people with disabilities have historically higher rates of unemployment than the general population. *Persons with a Disability: Labor Force Characteristics—2019*, U.S. BUREAU OF LAB. STAT. *1 (Feb. 26, 2020), <https://bit.ly/34EXgPN>. Brodie Fraser et al., *LGBTIQ+ Homelessness: A Review of the Literature*, 16 INT’L J. ENV’L RES. & PUB. HEALTH 1, 1 (2019); Maya Brennan, Ally Livingston & Veronica Gaitán, *Five Facts About Housing Access for LGBTQ People*, URB. INST. (June 13, 2018), <https://urbn.is/34AmgI1>. Undocumented immigrants do not qualify for unemployment insurance or stimulus. Many rural communities experience acute poverty and lack affordable housing, supportive resources, access to employment. S.M. Ramirez & D. Villareja, *Poverty, Housing, & the Rural Slum: Policies & the Production of Inequities, Past and Present*, 102 AM. J. PUB. HEALTH 1164 (2012).

¹⁶ PEW CHARITABLE TRS., AMERICAN FAMILIES FACE A GROWING RENT BURDEN 5 (2018), <https://bit.ly/2FcNiMZ>.

¹⁷ In April, nationally, there was a 30% increase in credit card usage to pay rent, followed by a further 20% increase in May. 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*, CTR. FOR AM. PROGRESS (July 27, 2020, 9:07 AM), <https://ampr.gs/2SDVBEU>.

food budgets in order to pay rent. The proportion of Black and Hispanic/Latinx people suffering food insecurity is between 200–306% of food insecurity among white people in Louisiana.¹⁸

In a U.S. Census Bureau survey of Louisiana renters in October and November, 48.91% of households with children had slight or no confidence in their ability to pay next month's rent, and thus are at heightened risk of eviction.¹⁹ A higher proportion of these families were Black than white: 55.04% compared to an already high 22.0%.²⁰

C. Without Legal Protections from Eviction, Filing Rates Increase

The Eviction Lab at Princeton University is the only source of nationwide eviction data; the latest data on eviction filings in all states is from 2016. During the pandemic, the Eviction Lab has tracked the ebbs and flows in real-time eviction filings in 25 cities.²¹ Based on this data, the Eviction Lab has identified three drivers of the COVID-19 eviction crisis. First, a significant number of property owners use the eviction process as a rent collection tool, rather than a means of removing tenants for other reasons.²² Second, many tenants are (and have historically been) evicted for small amounts of money—during the pandemic, typically less than the local median

¹⁸ *Week 18 Household Pulse Survey: October 28 - November 9*, U.S. CENSUS BUREAU (Nov. 18, 2020), <https://bit.ly/39KduLF> at Food Sufficiency & Food Security Tables 2b.

¹⁹ *Id.*, at Housing Table 2b. See also 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), <http://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk> (estimating 30 to 40 million adults and children are at risk of eviction nationwide); Stout, *Analysis of Current and Expected Rental Shortfall and Potential Evictions in the U.S.*, NAT'L COUNCIL OF ST. HOUSING AGENCIES 36 (Sept. 25, 2020), <https://bit.ly/34ERUnU> (finding 150-230,000 households likely unable to pay next month's rent).

²⁰ *Week 18 Household Pulse Survey at Housing Table 2b*, *supra* note 18.

²¹ *The Eviction Tracking System*, EVICTION LAB, <http://evictionlab.org/eviction-tracking> (last updated Sept. 26, 2020).

²² Lillian Leung, Peter Hepburn & Matthew Desmond, *Serial Eviction Filings: Civil Courts, Property Management, and the Threat of Displacement*, SOC. FORCES, Sept. 11, 2020, at 19, <https://bit.ly/2FcNPhX>.

amount for one month's rent and as little as \$120—showing that property owners seem to have a low threshold for profit loss before they consider displacing their tenants.²³ Third, tenants lack legal protections or supports to contest evictions, especially as demand for legal assistance has increased during the pandemic.²⁴ Municipalities with weaker eviction protections see more eviction filings.²⁵

The Eviction Lab's research on eviction filings during the pandemic shows that 1) where eviction moratoriums are in place, the intervention effectively chills eviction filings during the pandemic; and 2) without moratoriums in place, eviction filings quickly reach or exceed historic filing rates. Along with the stimulus and extended federal unemployment benefits, the CARES Act slowed evictions by effectively prohibiting eviction of tenants in buildings with federally backed mortgages or federal subsidies until August 25.²⁶ More recently, the CDC Order forestalls residential evictions where a tenant meets certain criteria.²⁷ These orders were effective: In the short period between when the CARES Act protections expired and when the CDC Order took effect, new eviction filings rose quickly to exceed historical levels in almost every site without a local moratorium.²⁸ Following the CDC Order, new filings dropped dramatically in most sites studied.

Figure 1. Weekly eviction filings relative to historical averages in all Eviction Tracker System sites.

²³ Renee Louis, Alieza Durana & Peter Hepburn, *Preliminary Analysis: Eviction Claim Amounts During COVID-19 Pandemic* (Aug. 27, 2020), <https://evictionlab.org/covid-eviction-claims>.

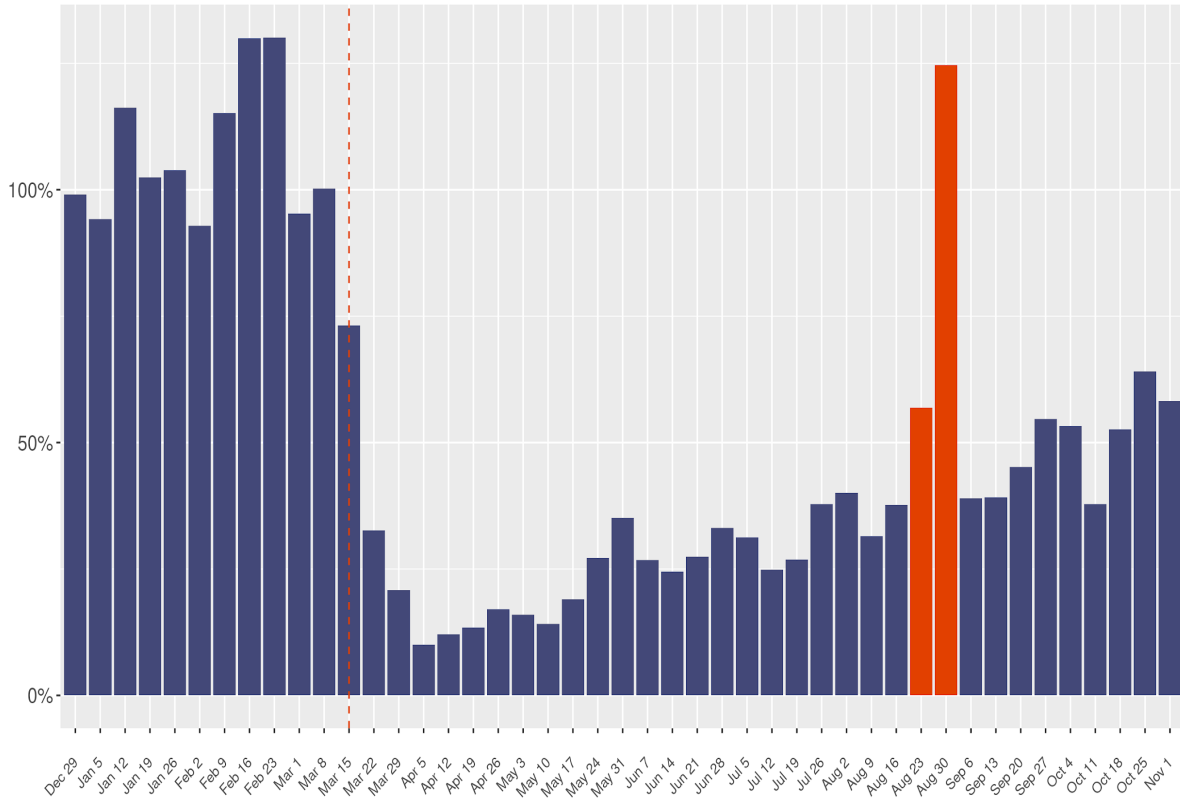
²⁴ Nationwide, an estimated 90% of landlords have legal counsel compared to only 10% of tenants in eviction proceedings. Matthew Desmond, *Unaffordable America: Poverty, Housing, and Eviction*, FAST FOCUS, No. 22-2015, at 1-6 (Mar. 2015), <https://bit.ly/36MxjAO>

²⁵ *Eviction Tracking System*, *supra* note 21.

²⁶ Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, § 4024, 134 Stat. 281, 491 (2020).

²⁷ Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 85 Fed. Reg. 55292 (Sep. 4, 2020); Nat'l Housing L. Project, CDC Eviction Moratorium – Initial Analysis, (Sep. 4, 2020) <https://bit.ly/2GFm1C>.

²⁸ Peter Hepburn & Renee Louis, *Preliminary Analysis: Shifts in Eviction Filings from the CARES Act to the CDC Order*, EVICTION LAB (Sept. 22, 2020), <https://bit.ly/30LMeaw>.



These numbers demonstrate that the CARES Act and the CDC Order—when effectively enforced—did and can prevent eviction filings. *Amici* have seen decreases in filings as tenant understand their rights under the CDC moratorium. Without a nationwide, uniformly adopted eviction moratorium, it is likely that evictions will quickly increase to unseen heights. This would place families and individuals at risk of contracting COVID-19, as well as related and severe health harms.

II. Eviction Moratoriums Slow the Spread of COVID-19 and Prevent Negative Short- and Long-Term Health Outcomes

A. Evictions Spread COVID-19, Thwarting Efforts to Contain the Virus

Eviction moratoriums effectively slow the spread of COVID-19.²⁹ Eviction forces families into transiency and crowded residential environment³⁰ that increase new contact with others and make compliance with pandemic health guidelines difficult or impossible.³¹ Eviction increases the likelihood of doubling or tripling up by staying with family and friends who may themselves be at high risk for COVID-19.³² Residential crowding and increased contact with others drive the spread of respiratory illnesses, such as COVID-19.³³ Even seemingly small differences in housing have been linked to substantial increases in the transmission rate of infectious disease.³⁴ Adding as few

²⁹ Emily A. Benfer, David Vlahov, Marissa Long, Evan Walker-Wells, J.L. Pottenger, Jr., Gregg Gonsalves, & Danya E. Keene, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy*, J. URBAN HEALTH (in press, 2020), <https://bit.ly/2LcBvRA>.

³⁰ Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 AM. J. SOC. 88, 120 (2012) (Eviction “greatly diminishes one’s chance of securing affordable housing in a decent neighborhood, stymies one’s chances of securing housing assistance, and often leads to homelessness and increased residential mobility.”).

³¹ See also Emily A. Benfer et al., *supra* note 29 at notes 12–50.

³² Michelle D. Layser et al., *Mitigating Housing Instability During a Pandemic* (forthcoming) (manuscript at 4, 14), <https://ssrn.com/abstract=3613789>.

³³ See Eric Lofgren et al., *Influenza Seasonality: Underlying Causes and Modeling Theories*, 81 J. VIROLOGY 5429, 5431 (2007) (“The person-to-person spread of virus-laden aerosol particles is greatly enhanced by having a dense population of susceptible individuals surrounding each infective subject, thereby maximizing the potential for the spread of infection.”); see also B.L. Gleason et al., *Geospatial Analysis of Household Spread of Ebola Virus in Quarantined Village—Sierra Leone, 2014*, 145 EPIDEMIOLOGY & INFECTION 2921, 2921 (2017) (showing that an increasing number of persons per household was a risk factor for household Ebola acquisition); M. Kermodé et al., *Tuberculosis Infection and Homelessness in Melbourne, Australia, 1995-1996*, 3 INT’L J. TUBERCULOSIS & LUNG DISEASE 901, 901, 905 (1999) (finding the case incidence rate among males experiencing homelessness to be roughly thirteen times the state-wide figure, and higher among those accommodated in crowded living environments); Andrew R. Zolopa et al., *HIV and Tuberculosis Infection in San Francisco’s Homeless Adults: Prevalence and Risk Factors in a Representative Sample*, 272 JAMA 455, 458 (1994) (finding significant relationship ($p < 0.01$) between “high contact” living situations like shelters and tuberculosis infection among sample of homeless San Francisco residents).

³⁴ Patrick K. Munywoki et al., *Frequent Asymptomatic Respiratory Syncytial Virus Infections During an Epidemic in a Rural Kenyan Household Cohort*, 212 J. INFECTIOUS DISEASES 1711, 1711 (2015), <https://bit.ly/3nwYDJ2>; see also Abhishek Bakuli et al., *Effects of Pathogen De-*

as two new members to a household can as much as double the risk of other illness.³⁵ This increased likelihood of transmission for infectious disease generally comports with research on the novel coronavirus, which recognizes that individuals are at particularly high risk of contracting COVID-19 from others in their household.³⁶

Smaller, crowded spaces increase the spread of respiratory diseases like COVID-19. During the 1918 influenza epidemic, the difference between having 45 square feet and 78 square feet of living space per person was associated with a ten-fold increase in the rate of illness.³⁷ Other studies suggest overcrowding spreads tuberculosis³⁸ and severe cases of influenza among children.³⁹

Evicted households are likely to contract—and spread—COVID-19 while moving from shelter to shelter or home to home.⁴⁰ In many cases, people facing homelessness will sleep in cars

pendency in a Multi-Pathogen Infectious Disease System Including Population Level Heterogeneity—A Simulation Study, 14 THEORETICAL BIOLOGY & MED. MODELLING 1, 1 (2017), <https://bit.ly/2IaVtdW>.

³⁵ Michael Baker et al., *Household Crowding a Major Risk Factor for Epidemic Meningococcal Disease in Auckland Children*, 19 PEDIATRIC INFECTIOUS DISEASE J. 983, 983 (2000) (adding two adolescents or adults to a six-room home roughly doubles the risk of meningococcal disease).

³⁶ Qifang Bi et al., *Epidemiology and Transmission of COVID-19 in 391 Cases and 1286 of Their Close Contacts in Shenzhen, China: A Retrospective Cohort Study*, 20 LANCET 911, 911 (2020).

³⁷ 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) (noting that the relationship between crowding and flu was highly significant ($p < 0.001$)).

³⁸ E. Drucker et al., *Childhood Tuberculosis in the Bronx, New York*, 343 LANCET 1482, 1482 (1994), <https://bit.ly/34FEaci>.

³⁹ Kimberly M. Yousey-Hindes & James L. Hadler, *Neighborhood Socioeconomic Status and Influenza Hospitalizations Among Children: New Haven County, Connecticut, 2003-2010*, 101 AM. J. PUB. HEALTH 1785 (2011).

⁴⁰ *COVID-19 Pandemic Planning Scenarios*, CTRS. FOR DISEASE CONTROL & PREVENTION (Sept. 10, 2020), <https://bit.ly/36RatI6>.

or outdoors; they will have access only to public, not private, restrooms.⁴¹ These environments prevent individuals and families from adhering to the CDC's primary interventions: social distancing, maintaining good hygiene practices such as hand washing, self-quarantining, or cleaning masks and other personal protective equipment. By driving families to poorer neighborhoods, eviction may also lead to less frequent COVID-19 testing.⁴²

Indeed, the mere threat of eviction can increase stress levels, anxiety, and depression and weaken the immune system.⁴³ These responses likely advance the spread of infectious diseases, including respiratory illness and the flu. Because of the highly contagious nature of COVID-19, increased contraction of the disease among individuals facing eviction can quickly boost transmission across a large segment of the community. And as we enter the winter months, housing instability increases risk of health harms.⁴⁴

Housing stability is especially critical to pandemic control because infected persons can spread COVID-19 before they start to show symptoms and possibly for weeks after symptoms

⁴¹ Sara K. Rankin, *Punishing Homelessness*, 22 NEW CRIM. L. REV. 99, 126 (2019).

⁴² Stephanie Schmitt-Grohé, Ken Teoh & Martín Uribe, *Covid-19: Testing Inequality in New York City* 8 COVID ECONOMICS: VETTED AND REAL-TIME PAPERS, April 22, 2020, at 27 (published by the Centre for Economic Policy Research).

⁴³ Dusica Lecic Tosevski & Milica Pejovic Milovancevic, *Stressful Life Events and Physical Health*, 19 CURRENT OPINION PSYCHIATRY 184, 185, 187 (2006); see Hugo Vásquez-Vera et al., *The Threat of Home Eviction and Its Effects on Health Through the Equity Lens: A Systemic Review*, 175 SOC. SCI. & MED. 199, 202-05 (2017). See generally Linda M. Niccolai, Kim M. Blankenship & Danya E. Keene, *Eviction from Renter-Occupied Households and Rates of Sexually Transmitted Infections: A County-Level Ecological Analysis*, 46 SEXUALLY TRANSMITTED DISEASES 63 (2019) (linking increased eviction rates to higher rates of sexually transmitted diseases).

⁴⁴ Paige Zhang et al., *Cold Weather Conditions and Risk of Hypothermia Among People Experiencing Homelessness: Implications for Prevention Strategies*, 16 INT. J. FOR ENVIRON. RES. ON PUBLIC HEALTH 18, 3259 (2019).

appear.⁴⁵ According to the CDC, approximately 40% of infected individuals may never show symptoms—but nonetheless may transmit the virus to others.⁴⁶ Due to the high rate of transiency among people who face eviction, eviction is likely to spread COVID-19 by exposing healthy individuals to those who are unaware they are carrying the virus or those who know they have COVID-19, but are unable to self-isolate.⁴⁷ In order to prevent COVID-19 spread, individuals and families must be able to shelter in place with the same household.

Eviction is associated with decreased access to primary and specialty medical care, regardless of an individual’s housing status post-eviction.⁴⁸ In addition, those facing eviction have difficulty prioritizing their health needs while fighting to maintain housing.⁴⁹ From this baseline, eviction itself amplifies individual risk of COVID-19 complications and mortality. This can be particularly harmful to people who are already at risk, such as people immunocompromised due to cancer care, HIV/AIDS, or other conditions.⁵⁰ Even when infected individuals present COVID-19

⁴⁵ *COVID-19 Basics*, HARV. MED. SCH., <https://bit.ly/3nviSa3> (last updated Oct. 1, 2020) (summarizing studies that “have shown that symptoms could appear as soon as three days after exposure to as long as 13 days later”).

⁴⁶ *COVID-19 Pandemic Planning Scenarios*, *supra* note 40, at tbl.1.

⁴⁷ Michael Z. Levy, Justin Sheen, Anjalika Nande, Ben Adlam, Andrew Greenlee & Daniel Schneider, *COVID-19 Eviction Simulations*, GITHUB (2020), <https://bit.ly/2GE4Pyf>; *see also* Justin Sheen, Anjalika Nande, Emma L. Walters, Ben Adlam, Andrei Gheorghe, Julianna Shinnick, Maria Florencia Tejada, Andrew J. Greenlee, Daniel Schneider, Alison L. Hill, Michael Z. Levy, *The Effect of Eviction Moratoria on the Transmission of SARS-CoV-2* (pre-print, Nov. 1, 2020), <https://bit.ly/35qOdUw>.

⁴⁸ *See* 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 & BEHAV. 678, 681, 683 (2017). Eviction may lead to decreased engagement in healthcare, resulting in missed appointments and lack of adherence to prescribed treatment. *See* Niccolai, Blankenship & Keene, *supra* note 43, at 66.

⁴⁹ Danya E. Keene, “*That Wasn’t Really a Place to Worry About Diabetes*”: *Housing Access and Diabetes Self-Management Among Low-Income Adults*, 197 SOC. SCI. & MED. 71 (2018).

⁵⁰ *Selected Circulatory Diseases Among Adults Aged 18 and Over, By Selected Characteristics: United States, 2018*, CTRS. FOR DISEASE CONTROL & PREVENTION (2018),

symptoms, eviction decreases the likelihood that they will seek timely medical attention that could stem community transmission.⁵¹ Evicted individuals are also more likely to use emergency departments, which cater to disproportionately vulnerable patients,⁵² for their healthcare needs when they do seek care.⁵³

Whether through increased crowding, decreased ability to maintain safe, clean, and hygienic living spaces, or limited access to healthcare, eviction is particularly threatening to individual and public health during a pandemic.

B. Eviction Increases the Rate of COVID-19 Among High-Risk Populations, Leading to Long-Term Complications or Death

<https://bit.ly/2IanmCV>; *Selected Respiratory Diseases Among Adults Aged 18 and Over, By Selected Characteristics: United States, 2018*, CTRS. FOR DISEASE CONTROL & PREVENTION (2018), <https://bit.ly/34BweJk>; *Diabetes Prevalence and Glycemic Control Among Adults Aged 20 and Over, By Sex, Age, and Race and Hispanic Origin: United States, Selected Years 1988-1994 Through 2013-2016*, CTRS. FOR DISEASE CONTROL & PREVENTION (2018), <https://bit.ly/36KcsxL>. See also Elise D. Riley et al., *COVID-19 and HIV Spotlight the U.S. Imperative for Permanent Affordable Housing*, CLINICAL INFECTIOUS DISEASES (forthcoming 2020) (manuscript at 4), <https://bit.ly/3def48C> (describing homelessness as a risk factor for HIV).

⁵¹ ROBERT COLLINSON & DAVID REED, THE EFFECTS OF EVICTIONS ON LOW-INCOME HOUSEHOLDS 25 (Dec. 2018), <https://bit.ly/3lrYftK> (“Evictions could also worsen health if evicted households are more financially constrained and cut back on preventative care or healthy behavior to afford new moving costs, such as a security deposit or broker’s fee.”)

⁵² See, e.g., Alison Rodriguez, *Nearly Half of All Medical Care in the US Is in Emergency Departments*, AJMC (Oct. 24, 2017), <https://bit.ly/34AKvWF> (“The increase in emergency room cases were able to be accounted for by certain groups including African Americans, Medicare and Medicaid beneficiaries, residents of the South and West, and women . . . [likely revealing] the vulnerable populations that potentially face healthcare inequalities.”). The World Health Organization categorizes a vulnerable population as one that is “unable to anticipate, cope with, resist and recover from the impacts of disasters.” *Vulnerable Groups*, WHO, <https://bit.ly/3d7XrXY> (last visited Oct. 6, 2020).

⁵³ See COLLINSON & REED, *supra* note 51, at 3.

People most vulnerable to eviction are more likely to suffer from poor health conditions that place them at high risk of severe or fatal cases of COVID-19.⁵⁴ The lower a person's socioeconomic status, the greater their economic hardship and risk of eviction and the higher their chance of suffering from chronic disease, including conditions like heart disease, pulmonary disease, and diabetes.⁵⁵ All of these may increase the mortality risk of COVID-19.⁵⁶ The CDC has identified several comorbidities that increase risk of severe illness with COVID-19, including pulmonary disease, high blood pressure, diabetes, obesity, chronic liver or kidney disease, and respiratory disease.⁵⁷ Each of these conditions is more prevalent among low-income populations and people of color, the populations most at risk of eviction before and during the pandemic.⁵⁸

People at the highest risk of eviction are more likely to live in substandard housing conditions that threaten their health⁵⁹ such as poor ventilation, pest infestations, and mold—all closely associated with the development of respiratory conditions and general poor health.⁶⁰

⁵⁴ Emily A. Benfer et al., *supra* note 29 at notes 51–81, Table 1.

⁵⁵ *Id.* at 57.

⁵⁶ *Id.*

⁵⁷ *People with Certain Medical Conditions*, CTRS. FOR DISEASE CONTROL & PREVENTION (Sept. 11, 2020), <https://bit.ly/3jVuuRL>; *People at Increased Risk*, CTRS. FOR DISEASE CONTROL & PREVENTION (Sept. 11, 2020), <https://bit.ly/2GNtvEi>.

⁵⁸ Emily A. Benfer et al., *supra* note 19; *Housing is the Best Medicine: Supportive Housing and the Social Determinants of Health*, CORP. FOR SUPPORTIVE HOUSING (July 2014), <https://bit.ly/2SFpvIQ>.

⁵⁹ One in ten poor households lived in inadequate housing. Wilhelmine D. Miller et al., *Healthy Homes and Communities: Putting the Pieces Together*, 40 AM. J. PREVENTIVE MED. S48, S51 (2011).

⁶⁰ Emily A. Benfer, et. al, *There's No Place Like Home: Reshaping Community Interventions and Policies to Eliminate Environmental Hazards and Improve Population Health for Low-Income and Minority Communities*, 11 HARV. L. & POL'Y REV. S1 (2017).

Eviction itself leads to numerous comorbidities.⁶¹ Evictions force renters into living conditions that increase exposure to social determinants that drive poor health.⁶² Eviction and housing instability are associated with increased incidence of high blood pressure, higher mortality regardless of cause,⁶³ increased risk of coronary heart disease independent of other underlying risk factors,⁶⁴ poor self-reported general health,⁶⁵ and an increased propensity to smoke.⁶⁶ Evictions are associated with several interrelated conditions, including anxiety, depression, sexually transmitted infections,⁶⁷ HIV-related treatment outcomes,⁶⁸ drug use,⁶⁹ exposure to violence,⁷⁰ mental health

⁶¹ *Homelessness & Health: What's the Connection?*, NAT'L HEALTHCARE FOR THE HOMELESS COUNCIL (Feb. 2019), <https://bit.ly/34GF74a>; CTRS. FOR DISEASE CONTROL & PREVENTION *supra* note 57.

⁶² Eviction is a legal record that scars a tenant's rental history and shrinks credit scores. Many private property owners and public housing authorities count eviction against families, which results in exclusion from housing, even when an eviction case is dismissed. *See* Matthew Desmond & Monica Bell, *Housing, Poverty, and the Law*, 11 ANN. REV. L. & SOC. SCI. 15, 19 (2015); Matthew Desmond, *supra* note 30, at 91; Matthew Desmond, *supra* note 24. Eviction is both a barrier to employment and cause of unemployment. Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity Among the Working Poor*, 63 SOC. PROBS. 46, 47 (2016). An eviction makes it more difficult and more expensive to rent a new home, borrow money, or purchase a home. *Eviction Filings Are Barrier to Finding Future Housing—Even for Tenants Who Are Not Evicted*, L. COMM. FOR BETTER HOUSING (Mar. 7, 2018), <https://bit.ly/3dcqFFe>.

⁶³ 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); Yerko Rojas & Sten-Åke Stenberg, *Evictions and Suicide: A Follow-Up Study of Almost 22 000 Swedish Households In The Wake Of The Global Financial Crisis*, 70 J. OF EPIDEMIOLOGY & COMM. HEALTH 409, 412–13 (2016).

⁶⁴ Tosevski & Milovancevic, *supra* note note 43 at 185, 187; *see* Vásquez-Vera et al., *supra* note 43, at 205.

⁶⁵ Vásquez-Vera et al., *supra* note 43, at 202, 204.

⁶⁶ Julia Bolívar Muñoz et al., *The Health of Adults Undergoing an Eviction Process*, 30 GACETA SANITARIA 4, 4 (2016).

⁶⁷ Niccolai, Blankenship & Keene, *supra* note 43, at 65.

⁶⁸ Mary Clare Kennedy et al., *supra* note 48, at 7-8.

⁶⁹ 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).

⁷⁰ Mary Clare Kennedy et al., *Residential Eviction and Exposure to Violence Among People Who Inject Drugs in Vancouver, Canada*, 41 INT'L J. DRUG POL'Y 59, 61-63 (2017).

hospitalization,⁷¹ and suicide.⁷² During the COVID-19 pandemic, a study from researchers at Boston University and Johns Hopkins schools of public health found that suicidal ideation increased more than fourfold; stressors including difficulty paying the rent were associated with suicidal ideation.⁷³ For women, eviction is associated with physical and sexual assault,⁷⁴ drug use and related harms,⁷⁵ mental illness,⁷⁶ and future housing precarity.⁷⁷ The health conditions and high health care costs associated with eviction make future eviction more likely.⁷⁸ In this way, eviction worsens longstanding patterns of economic and housing instability and poor health.⁷⁹

⁷¹ COLLINSON & REED, *supra* note 51, at 3.

⁷² Rojas & Stenberg, *supra* note 63, at 412-13.

⁷³ Julia Raifman, Catherine Ettman, Lorraine Dean, Colleen Barry & Sandro Gale, COVID-19 Related Stressors and Suicidal Ideation (unpublished manuscript on file with counsel).

⁷⁴ Nihaya Daoud et al., *Pathways and Trajectories Linking Housing Instability and Poor Health Among Low-Income Women Experiencing Intimate Partner Violence (IPV): Toward A Conceptual Framework*, 56 WOMEN & HEALTH 208, 209-10 (2016).

⁷⁵ Alexandra B. Collins et al., *Surviving the Housing Crisis: Social Violence and The Production Of Evictions Among Women Who Use Drugs In Vancouver, Canada*, 51 HEALTH & PLACE 174, 179 (2018).

⁷⁶ Patty R. Wilson & Kathryn Laughon, *House to House, Shelter to Shelter: Experiences of Black Women Seeking Housing After Leaving Abusive Relationships*, 11 J. FORENSIC NURSING 77, 77 (2015).

⁷⁷ Craig Evan Pollack, Kathryn M. Leifheit & Sabriya L. Linton, *When Storms Collide: Evictions, COVID-19, and Health Equity*, HEALTH AFF. (Aug. 4, 2020), <https://bit.ly/36JuHnd>.

⁷⁸ Gabriel L. Schwartz, Kathryn M. Leifheit, Lisa Berkman, Jarvis T. Chen & Mariana C. Arcaya, *Health Selection into Eviction: Adverse Birth Outcomes and Children's Risk of Eviction Through Age 5*, AM. J. EPIDEMIOLOGY (forthcoming) (draft on file with authors); Gabriel L. Schwartz, *Cycles of Disadvantage: Eviction & Children's Health in the United States* (2020) (Ph.D. dissertation, Harvard University) <https://bit.ly/31NMJBw>; *see also* Heidi L. Allen et al., *Can Medicaid Expansion Prevent Housing Evictions?*, HEALTH AFF. (Sept. 2019), <https://bit.ly/30IZwEQ>.

⁷⁹ MATTHEW DESMOND, *EVICTED* (2016); Heidi L. Allen et al., *supra* note 78; Pollack, Leifheit & Linton, *supra* note 77.

Eviction is particularly traumatizing to children and affects emotional and physical well-being and development for years, if not for a lifetime.⁸⁰ Eviction increases the likelihood of emotional trauma, lead poisoning,⁸¹ food insecurity,⁸² and academic decline for children.⁸³ Eviction is also strongly associated with adverse childhood experiences, which have long-term negative health impacts, including increased risk of cardiovascular disease and pulmonary disease in adulthood and decreased life expectancy.⁸⁴ Children whose mothers are evicted during pregnancy are more likely to have adverse birth outcomes, such as low birthweight or preterm pregnancies.⁸⁵ Families of children born with adverse birth outcomes are substantially more likely to be evicted in the first

⁸⁰ AM. ACAD. OF PEDIATRICS, PROVIDING CARE FOR CHILDREN AND ADOLESCENTS FACING HOMELESSNESS AND HOUSING INSECURITY (2020), <https://bit.ly/3dbi0CT>; HEATHER SANDSTROM & SANDRA HUERTA, URBAN INST., THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS 6 (2013), <https://urbn.is/2SCVfhB>.

⁸¹ Gabriel L. Schwartz, Kathryn M. Leifheit, Lisa Berkman, Mariana Arcaya & Jarvis T. Chen, Is Eviction Poisonous? A Survival Analysis of Eviction and Lead Poisoning in a National Urban Birth Cohort (unpublished manuscript) (on file with author); Schwartz, *supra* note 78. *See also Homelessness Just 'One of The Concerns' When Someone Is Evicted*, NEWSWISE (Jan. 28, 2020), <https://bit.ly/3loTQHR>.

⁸² Kathryn M. Leifheit, *Eviction in Early Childhood and Neighborhood Poverty, Food Security, and Obesity in Later Childhood and Adolescence: Evidence from a Longitudinal Birth Cohort*, 11 SSM—POPULATION HEALTH 1, 6 (2020); Kathryn M. Leifheit, Gabriel L. Schwartz, Craig E. Pollack, Kathryn J. Edin, Maureen M. Black, Jacky M. Jennings, and Keri N. Althof, *Severe Housing Insecurity during Pregnancy: Association with Adverse Birth and Infant Outcomes*, 17 INT'L J. ENVTL. RES. PUB. HEALTH 2020, 8659), <https://bit.ly/3ga1vIJ>.

⁸³ Gabriel L. Schwartz, Kathryn M. Leifheit, Jarvis T. Chen, Mariana C. Arcaya & Lisa Berkman, Childhood Eviction and Cognitive Skills: Developmental Timing-Specific Associations in an Urban Birth Cohort (unpublished manuscript under publication review) (on file with author); Schwartz, *supra* note 78; *see also* Desmond, *supra* note 24; Thomas Kottke et al., *Access to Affordable Housing Promotes Health and Well-Being and Reduces Hospital Visits*, 22 PERMANENT J. 1, 2-3 (2017); Stephen Gaetz et al., *Youth Homelessness and Housing Stability: What Outcomes Should We Be Looking For?*, 32 HEALTHCARE MGMT. F. 73 (2019).

⁸⁴ Maxia Dong et al., *Childhood Residential Mobility and Multiple Health Risks During Adolescence and Adulthood: The Hidden Role of Adverse Childhood Experiences*, 159 ACHIEVES OF PEDIATRICS & ADOLESCENT MED. 1104, 1107 (2005).

⁸⁵ Kathryn M. Leifheit, *Severe Housing Insecurity in Pregnancy: Association with Adverse Birth Outcomes in a Cohort of Urban Mothers and Infants*, AM. PUB. HEALTH ASS'N (Nov. 5, 2019), <https://bit.ly/3lvdBNN>.

five years of their child’s life.⁸⁶ The evidence is clear: Child health and housing security are closely intertwined.⁸⁷ Ultimately, eviction primarily affects members of society most vulnerable to COVID-19 and triggers a cycle of poor health and housing instability that increases COVID-19 infection.

C. Studies Suggest Eviction Moratoriums Prevent COVID-19 Deaths

Eviction moratoriums are an effective policy tool to slow COVID-19 infection and death.⁸⁸ In the short period between when the CARES Act protections expired and when the CDC Order took effect, new eviction filings rose quickly to exceed historical levels in almost every site without a local moratorium. Among the cities tracked by the Eviction Lab without moratoriums, eviction filings rose as high as 395% above historical weekly averages after the CARES Act expired. Following the CDC Order, new filings dropped dramatically, to as low as 83% below historical weekly averages.⁸⁹

Two recent studies demonstrate this relationship. First, researchers from University of California-Los Angeles, John Hopkins University, Boston University, University of California-San Francisco, and Wake Forest University used varying expiration dates of state eviction moratoriums as a natural experiment to evaluate whether lifting moratoriums was associated with increased COVID-19 spread and mortality.⁹⁰ The study considered forty-three states and the District of Columbia, which instituted moratoriums during the pandemic, and compared the twenty-seven states

⁸⁶ Schwartz et al., *supra* note 78; Schwartz, *supra* note 78.

⁸⁷ AM. ACAD. OF PEDIATRICS *supra* note 80.

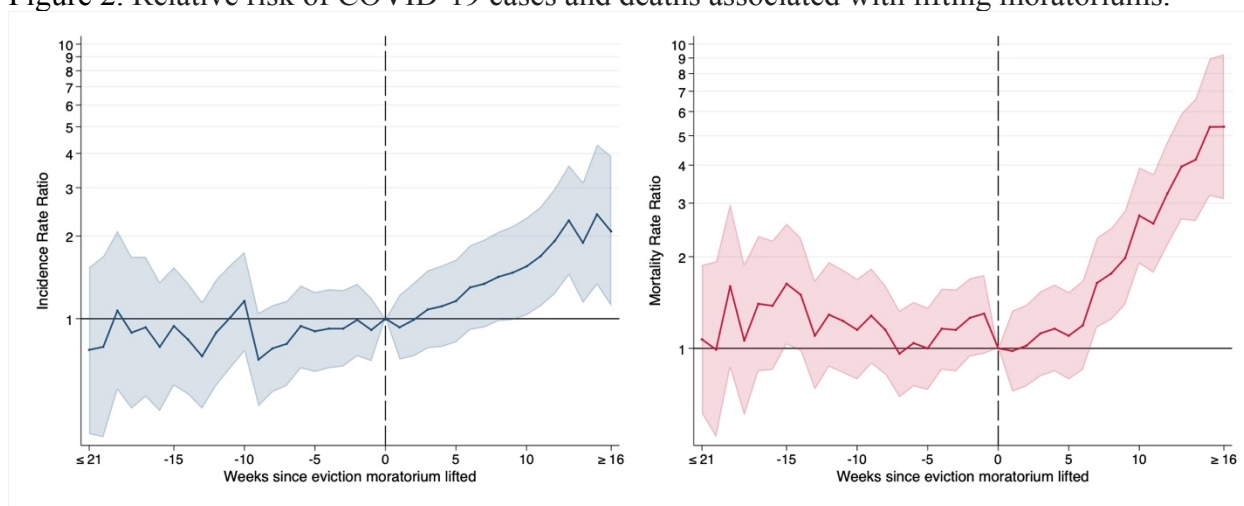
⁸⁸ Emily A. Benfer et al., *supra* note 29.

⁸⁹ See Hepburn & Louis, *supra* note 28.

⁹⁰ Kathryn M. Leifheit, Sabriya L. Linton, Julia Raifman, Gabriel L. Schwartz, Emily A. Benfer, Frederick J. Zimmerman & Craig Evan Pollack, *Expiring Eviction Moratoria and COVID-19 Incidence and Mortality* (Nov. 30, 2020), <https://bit.ly/2VBio5y>.

that lifted their moratoriums to those that did not. After controlling for mask orders, stay at home orders, school closures, and testing rates, as well characteristics of states and underlying time trends, lifting moratoriums was associated with 1.6 times higher COVID-19 mortality after seven weeks and 5.4 times higher mortality after sixteen weeks.⁹¹ Similarly, lifting moratoriums was associated with 1.6 times higher incidence of COVID-19 after ten weeks, and 2.1 times higher incidence after sixteen weeks compared to maintaining eviction moratoriums.⁹²

Figure 2. Relative risk of COVID-19 cases and deaths associated with lifting moratoriums.⁹³



Researchers from the University of Pennsylvania, Harvard University, and University of Illinois Urbana-Champaign modeled the potential impacts of lifting eviction moratoriums on COVID-19 infection and mortality rates.⁹⁴ The model is primarily concerned with the epidemiological consequences of increased crowding as a result of eviction because evicted individuals tend

⁹¹ *Id.* at 3.

⁹² *Id.*

⁹³ *Id.* Adjusted rate ratios comparing daily COVID-19 incidence (blue, new cases per population) and mortality (red, deaths per population) between states that lifted eviction moratoriums and states that maintained moratoriums. Rate ratios were modeled using negative binomial regression with fixed effects for state and calendar week, adjusting for testing rate, stay-at-home orders, school closures, and mask mandates.

⁹⁴ Levy, Sheen, Nande, Adlam, Greenlee & Schneider, *supra* note 47.

to “double up,” which increases household size and thus boosts opportunities for viral spread.⁹⁵ The model also takes account of various interventions, such as lockdowns, and the strength of eviction moratoriums imposed since the start of the pandemic. When applied to metropolitan areas like New Orleans or Baton Rouge, with smaller initial outbreaks but relatively early easing of lockdown restrictions, the model suggested eviction rates would have a significant impact on the ultimate number of COVID-19 cases and deaths. With an eviction rate of 0.25% per month, the model predicted a roughly 0.6% increase in total infections. With a monthly eviction rate of just 2% (below Louisiana’s pre-pandemic rate of 2.64%),⁹⁶ the model predicted a roughly 8% increase in total infections, in the first week.

III. Eviction and COVID-19 Disproportionately Harm Marginalized Groups

A. Evictions Disparately Affect Groups Based on Race and Gender

Historic trends and recent data demonstrate that people of color are more likely to face eviction during the pandemic. Race-based discrimination in eviction is evident in numerous studies: Black renters face eviction at the highest rates.⁹⁷ One study determined that Black households are more than twice as likely as white households to be evicted.⁹⁸ In another study of multiple cities, approximately 80% of people facing eviction were Black.⁹⁹ Black women are evicted at

⁹⁵ *Id.*

⁹⁶ *Map and Data*, *supra* note 3.

⁹⁷ BENJAMIN F. TERESA, RVA EVICTION LAB, *THE GEOGRAPHY OF EVICTION IN RICHMOND: BEYOND POVERTY* (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 (2016).

⁹⁸ Greenberg, Gershenson & Desmond, *supra* note 97, at 117.

⁹⁹ Chester Hartman & David Robinson, *Evictions: The Hidden Housing Problem*, 14 HOUSING POL’Y DEBATE 461, 467 (2003). Cities studied included New York, Chicago, Baltimore, Philadelphia, Los Angeles, and Oakland.

higher rates than other groups.¹⁰⁰ Of all gender and race combinations, Black women renters are at the highest risk: in 17 out of 36 states studied, they face filings for eviction at double the rate of white renters.¹⁰¹ For people of color, who have one-twelfth of the wealth accumulation of white people¹⁰² due to decades of racially discriminatory U.S. housing policy,¹⁰³ the loss of employment or an unexpected emergency can precipitate housing instability. Over 70% of Black and Latinx adults entered the pandemic lacking emergency funds to cover expenses compared to half of white adults.¹⁰⁴

Without government interventions like the CDC order, the downward fall will be immediate and precipitous for millions of Americans. During this severe economic downturn, eviction may represent the end of financial stability, housing security, and safety from COVID-19 pandemic for many families and communities.¹⁰⁵

B. COVID-19 Has Killed Black, Indigenous, and Latinx People at Higher Rates

¹⁰⁰ Desmond, *supra* note 30, at 91; Rachel Dovey, *What 80 Million Eviction Records Can Tell City Leaders*, NEXT CITY (Apr. 9, 2018), <https://bit.ly/30L3aOm> (finding 1 in 5 Black female renters reporting that they have experienced eviction compared with 1 in 12 Hispanic/Latinx women and 1 in 15 white women).

¹⁰¹ Sophie Beiers et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU (Jan. 10, 2020), <https://bit.ly/2GNr4Sa>.

¹⁰² Janelle Jones, *The Racial Wealth Gap: How African-Americans Have Been Shortchanged Out of the Materials to Build Wealth*, ECON. POL'Y INST. (Feb. 13, 2017, 12:01 PM), <http://www.epi.org/blog/the-racial-wealth-gap-how-african-americans-have-been-shortchanged-out-of-the-materials-to-build-wealth> (comparing median wealth of white and black families).

¹⁰³ See RICHARD ROTHSTEIN, *THE COLOR OF LAW*, *passim* (2017) (reviewing how de jure segregation and wealth inequality was shaped by government-directed redlining and home-ownership programs).

¹⁰⁴ Mark Hugo Lopez et al., *Financial and Health Impacts of COVID-19 Vary Widely by Race and Ethnicity*, PEW RES. CTR. (May 5, 2020), <http://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity>.

¹⁰⁵ Emily A. Benfer et al., *supra* note 29, Figure 1.

COVID-19 has disproportionately harmed people of color. The CDC reports Black Americans are dying at 2.1 times the rate of non-Hispanic whites; Indigenous Americans as well as Hispanic/Latinx persons face an infection rate almost 3 times the rate of non-Hispanic whites.¹⁰⁶ Asian, Black and Hispanic/Latinx persons are 1.3, 4.7, and 4.6 times more likely to be hospitalized with COVID-19, respectively.¹⁰⁷ COVID-19 death rates are similarly stark: 2.3 times higher for Black people, 1.5 for Hispanic and Latinx,¹⁰⁸ and 1.75 for Indigenous people than whites.¹⁰⁹ Black and Hispanic/Latinx people are dying at the rate of white people a decade or more older.¹¹⁰ The CDC reports that all but 17 of the 121 children who have died from COVID-19 were non-white.¹¹¹

Driving these numbers are deep underlying disparities in health related to the inability to social-distance in many low-wage jobs, crowded living conditions due to poverty and eviction, bias among health care providers, and disparate access to health care.¹¹² Other social determinants of health, like poverty and access to clean air and water, have driven larger proportions of people of color to develop comorbidities with COVID-19, like asthma or hypertension, that likely help

¹⁰⁶ *COVID-19 Hospitalization and Death by Race/Ethnicity*, CTRS. FOR DISEASE CONTROL & PREVENTION (Aug. 18, 2020), <https://bit.ly/3mYISeu>.

¹⁰⁷ *Id.*

¹⁰⁸ *The COVID Racial Data Tracker*, COVID TRACKING PROJECT, <http://covidtracking.com/race> (last visited Oct. 5, 2020).

¹⁰⁹ *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RES. LAB (Sept. 16, 2020), <https://bit.ly/36K8ZPL> (comparing white death rate of 47 per 100,000 with Indigenous people death rate of 82 per 100,000).

¹¹⁰ Tiffany Ford, Sarah Reber & Richard V. Reeves, *Race Gaps in COVID-19 Deaths Are Even Bigger Than They Appear*, BROOKINGS (June 16, 2020), <https://brook.gs/3lrBU2>.

¹¹¹ Danae Bixler, et al., *SARS-CoV-2–Associated Deaths Among Persons Aged <21 Years — United States, February 12–July 31, 2020*, CDC 69 Morbidity and Mortality Weekly Report 37, 1324 (Sept. 18, 2020).

¹¹² Emily A. Benfer, Seema Mohapatra, Lindsay F. Wiley & Ruqaiyah Yearby, *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 (forthcoming 2020), <https://bit.ly/2GzVW9c>.

explain their higher mortality rates. The available state-level data on racial disparities suggest that Louisiana has not escaped—and may have helped drive—these national disparities.¹¹³ Eviction during the COVID-19 pandemic perpetuates health inequity among Black, Hispanic/Latinx people, and women.¹¹⁴

Protecting public health during this pandemic requires protecting those most likely to contract, spread, and die from COVID-19, especially people in poverty and people of color, who are more likely to be evicted and suffer severe harm during the pandemic. Public health requires that *all* people are protected from COVID-19.

CONCLUSION

Eviction moratoriums have mitigated COVID-19 spread and death. The CDC Order may be able to help control the pandemic, protect the public health, and prevent severe harm for millions of people, especially in communities of color. The CDC eviction moratoriums is a critical public health tool that should be employed now.

DATED: December 8, 2020

Respectfully submitted,

/s/ Emily A. Benfer

/s/ Davida Finger

Emily A. Benfer

Davida Finger

/s/ J.L. Pottenger, Jr.

/s/ William Quigley

J.L. Pottenger, Jr.

William Quigley

/s/ Richard L. Tenenbaum

Richard L. Tenenbaum

¹¹³ See, e.g., *Racial Data Dashboard*, COVID TRACKING PROJECT, <http://covidtracking.com/race/dashboard> (showing disproportionately higher rates of infection and death for non-whites relative to percentage of population by state).

¹¹⁴ Emily A. Benfer et al., *supra* note 29 at notes 82–96.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHAMBLESS ENTERPRISES LLC, and
APARTMENT ASSOCIATION OF LOUISI-
ANA, INC.,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION, et al.

Defendants.

CIVIL ACTION NO. 20-cv-01455

Judge Terry A. Doughty

Magistrate Judge Karen L. Hayes

IDENTITY AND INTEREST OF *AMICI CURIAE*

The 21 *amici* include: national association and organizational *amici* that represent medical professionals who strive to advance the health of children, adolescents, adults, and disadvantaged and minority populations; and individual *amici* who are sociologists, epidemiologists, and public health, law, nursing, and medical school faculty. They are the nation's foremost authorities on eviction, housing, and health. Based on their extensive research and work in this area, all *amici* recognize that housing is critical to protecting public health and ensuring health equity during the COVID-19 pandemic.

AMERICAN ACADEMY OF PEDIATRICS (AAP) is a national, not-for-profit organization and membership organization dedicated to improving child and adolescent health that represents over 67,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical

specialists nationwide. AAP recognizes that the health of children and housing security are closely intertwined, and children without homes are more likely to suffer from chronic disease, hunger, and malnutrition than are children with homes.

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. The AMA was founded in 1847 to promote the art and science of medicine and the betterment of public health, and these remain its core purposes. AMA members practice in every medical specialty and in every state. The AMA maintains that optimizing the social determinants of health is an ethical obligation of a civil society.

CHILDREN'S HEALTHWATCH is a nonpartisan network of pediatricians, public health researchers, and child health and policy experts committed to improving the health and development of young children in America. Based on our research and that of others, the connection between housing and health is clear: when children live in safe, stable homes they are better able to thrive. Children in families that fall behind on rent, move frequently, and/or experience or have experienced homelessness are more likely to be in poor health, at developmental risk, and have a history of hospitalizations. Families facing eviction, and thus housing instability and homelessness, were at a high risk of poor child and adult health outcomes prior to the COVID-19 crisis and are at an even greater risk today. Coping strategies like "doubling up" with friends or relatives make them even more susceptible to contracting COVID-19.

GLMA: HEALTH PROFESSIONALS ADVANCING LGBTQ EQUALITY (GLMA) is the largest and oldest association of lesbian, gay, bisexual, transgender and queer (LGBTQ) health

professionals. GLMA's mission is to ensure health equity for LGBTQ and all sexual and gender minority (SGM) individuals, and equality for LGBTQ/SGM health professionals in their work and learning environments by utilizing the scientific expertise of its diverse multidisciplinary membership to inform and drive advocacy, education, and research. Previously known as the Gay and Lesbian Medical Association, GLMA is a national leader in addressing the full range of health concerns and issues affecting LGBTQ people, including by ensuring that sound science and research informs health policy and practices for the LGBTQ community.

LOUISIANA FAIR HOUSING ACTION CENTER (LaFHAC) is a nonprofit civil rights organization. Since 1995, LaFHAC has focused on using fair housing law to combat illegal and divisive discrimination that perpetuates poverty and segregation and limits access to opportunity.

NATIONAL HISPANIC MEDICAL ASSOCIATION (NHMA) represents the interests and concerns of 50,000 licensed physicians who are committed to working with its partners to improve the health of Hispanic and underserved populations. NHMA's advocacy and education efforts are focused on increasing health equity in the United States.

NATIONAL MEDICAL ASSOCIATION (NMA) is the largest and oldest national organization representing more than 50,000 African-American physicians and the patients they serve. NMA aims to improve the quality of health among disadvantaged and minority populations.

PUBLIC HEALTH LAW WATCH (PHLW) AND THE GEORGE CONSORTIUM is a nationwide network of over 70 public health law scholars, academics, experts, and practitioners who are dedicated to advancing public health through law. PHLW's goals are to increase visibility and understanding of public health law issues, identify ways to engage on these issues and provide legal analysis and commentary. The statements expressed in this brief do not necessarily represent the views of any individuals or institutions affiliated with PHLW.

EMILY A. BENFER, J.D., LL.M., is a visiting Professor of Law at Wake Forest University School of Law and a national expert on housing law, health justice, and the COVID-19 eviction crisis. Professor Benfer is the appointed chair of the American Bar Association's COVID-19 Task Force Committee on Eviction. She is the co-creator of the COVID-19 Housing Policy Scorecard with the Eviction Lab at Princeton University and the principal investigator in a nationwide study of COVID-19 eviction moratoriums and housing policies and an investigator in a study of state eviction moratoriums and COVID-19 infections and mortality rates.

MATTHEW DESMOND, Ph.D., is the Maurice P. During Professor of Sociology at Princeton University. He is the author of four books, including *Evicted: Poverty and Profit in the American City* (2016), which won the Pulitzer Prize, National Book Critics Circle Award, and Carnegie Medal. He was a 2015 MacArthur “Genius” Fellow. As the Principal Investigator of the Eviction Lab, his research focuses on poverty in America, city life, housing insecurity, and public policy. The Eviction Lab developed the Eviction Tracker System to analyze eviction filing rates during the COVID-19 pandemic.

GREGG GONSALVES, Ph.D., is an assistant professor of epidemiology of microbial diseases, Yale School of Public Health and associate professor (adjunct) of law, Yale Law School. A 2018 MacArthur “Genius” Fellow, he works at the intersection of human rights and public health research to address social inequities.

PETER HEPBURN, Ph.D., is post-doctoral statistician and quantitative analyst for the Eviction Lab. His research examines the ways that employment practices and public policies affect children and low-income families.

DANYA E. KEENE, Ph.D., is an associate professor of public health at the Yale School of Medicine. She is a leading expert on how public policy contributes to or ameliorates health inequities, with a focus on the relationship between housing and health.

KATHRYN M. LEIFHEIT, Ph.D., is an epidemiologist and postdoctoral fellow at the University of California Los Angeles Fielding School of Public Health and an expert on the effects of eviction on child and population health. She is a principal investigator in a study of expiring eviction moratoriums and COVID-19 infection and mortality rates.

MICHAEL Z. LEVY, Ph.D., is an associate professor of epidemiology at the Perelman School of Medicine of the University of Pennsylvania. He specializes in developing methods to model and control the transmission of infectious diseases in cities. He has worked on housing policy and is the principal investigator of a model estimating how evictions drive COVID-19 spread.

SABRIYA L. LINTON, Ph.D., is an Assistant Professor in the Department of Mental Health at the Johns Hopkins Bloomberg School of Public Health. Broadly, Dr. Linton uses mixed methods and multi-method designs to identify social and structural determinants of mental health, substance use and related sequelae. She is principal investigator of studies evaluating the impacts of housing policies, community development, and gentrification on behavioral health.

CRAIG E. POLLACK, M.D., MHS, is the Katey Ayres Endowed Associate Professor at the Johns Hopkins University Bloomberg School of Public Health, School of Nursing, and School of Medicine. He is a national expert on the connection between housing and health and continues his clinical practice as a primary care physician at the Johns Hopkins Outpatient Center. He is also a principal investigator in a study of eviction moratoriums and COVID-19 infection and mortality rates.

JULIA RAIFMAN, Sc.D., is an assistant professor of Health Law, Policy & Management at the Boston University School of Public Health. Her expertise is in health and social policy drivers of population health and health inequities. She is an investigator in a study of COVID-19 related stressors and suicidal ideation and in a study of state eviction moratoriums and COVID-19 infections and mortality rates.

GABRIEL L. SCHWARTZ, Ph.D., is a social epidemiologist and postdoctoral fellow at the Social Policies for Health Equity Research program at University of California San Francisco. He is an expert on the impacts of eviction on children's health and well-being, and the lead author on studies linking eviction to lead poisoning and cognitive skill impairment.

DAVID VLAHOV, Ph.D., RN, is a professor of nursing at the Yale School of Nursing and a professor of epidemiology of microbial diseases at the Yale School of Public Health. He is also the co-director of the National Program Office for the Robert Wood Johnson Foundation's Culture of Health: Evidence for Action Program.

Individual amici participate in this brief in their individual capacity and based on their expert opinions. The views expressed by individual amici herein do not necessarily reflect the policies or positions of host institutions or employers.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHAMBLESS ENTERPRISES LLC, and
APARTMENT ASSOCIATION OF LOUISI-
ANA, INC.,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION, et al.

Defendants.

CIVIL ACTION NO. 20-cv-01455

Judge Terry A. Doughty

Magistrate Judge Karen L. Hayes

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading has been served upon counsel for all parties via ECF this 8th day of Dec, 2020.

/s/ Davida Finger

Davida Finger