

U.S. Supreme Court Puts End to Eviction Moratorium

Government / **Published On August 27, 2021 07:22 AM /**

Ernice Gilbert **August 27, 2021**

Image not found or type unknown



The U.S. Supreme Court on Thursday lifted the federal eviction moratorium on rental properties, opining that the CDC overstepped its authority and had placed the pandemic's cost on landlords. By. GETTY IMAGES

The U.S. Supreme Court in a ruling late Thursday lifted the federal ban on evictions that was extended by the Biden administration through the Centers for Disease Control and Prevention because of the Covid-19 pandemic.

The ruling will be well received by landlords, many of whom have expressed hardships in meeting their own obligations as they were forced to keep delinquent tenants housed.

The extension by the Biden administration, which was set to expire by Oct. 3, was imposed [even as the administration questioned its legality](#). The administration had hoped to distribute most of

the \$47 billion in rental assistance funding by now, but as of July 31, only \$4.7 billion of the total sum had been released to tenants and landlords.

In the Thursday ruling, the Supreme Court's conservative majority opined that the order imposing the eviction moratorium exceeded the CDC's authority to fight communicable diseases, and that it placed the cost of the pandemic on landlords. Three liberal justices dissented.

“The moratorium has put...millions of landlords across the country at risk of irreparable harm by depriving them of rent payments with no guarantee of eventual recovery,” the court said. “Many landlords have modest means. And preventing them from evicting tenants who breach their leases intrudes on one of the most fundamental elements of property ownership—the right to exclude.”

White House press secretary Jen Psaki, standing with the Biden administration, stated, “As a result of this ruling, families will face the painful impact of evictions, and communities across the country will face greater risk of exposure to Covid-19.”

In their dissent, the Supreme Court's liberal justices said the statute invoked by the CDC (Public Health Service Act of 1944) to impose the moratorium contemplated even more stringent measures, among them quarantines. The liberal justices further stated that the hardships on landlords would only be temporary as distribution of rental assistance is underway.

The moratorium “targets only those people who have nowhere else to live, in areas with dangerous levels of community transmission. These people may end up with relatives, in shelters, or seeking beds in other congregant facilities where the doubly contagious Delta variant threatens to spread quickly,” wrote Justice Stephen Breyer, joined by Justices Sonia Sotomayor and Elena Kagan (via the Wall Street Journal). “The public interest is not favored by the spread of disease or a court’s second-guessing of the CDC’s judgment,” he wrote.

Prior to the Biden administration's decision to extend the expiration date to Oct. 3, the CDC had indicated it would allow the previous expiration date of July 31 to stand. However, as the end date drew nearer, with Covid-19 cases escalating because of the Delta variant, President Biden [called on Congress](#) to take action aimed at protecting tenants. Congress did not, and Mr. Biden unilaterally extended the moratorium even as he questioned whether there were legal grounds to do so.