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GENERAL NEWS

CDC Eviction Moratorium Still in Effect Despite It Was Ruled Unconstitutional

On February 25, 2021, a federal judge in Texas ruled that the eviction moratorium issued by the Centers for Disease Control and Prevention (CDC) is unconstitutional. The judge declared that the federal government does not have the constitutional authority to order property owners not to evict specified tenants and that the CDC exceeds its authority under the interstate commerce clause of the U.S. Constitution. On February 27, 2021, the Department of Justice (DOJ), which represents the CDC in the case, issued a statement disagreeing with the court's decision and stating that it has appealed the judge's ruling.

Even though the CDC eviction moratorium was ruled unconstitutional, the judge did not issue an injunction stopping its effect. Therefore, renters are still protected by the CDC order to temporarily halt residential evictions. The ruling only applies to the specific renters and landlords involved in the legal case, which began when a group landlords and property owners in Texas sued the CDC and the Department of Health and Human Services (HHS) in October over the eviction moratorium order.

The CDC eviction moratorium was published September 4, 2020, with an expiration date of December 31, 2020. Then, the 2021 Consolidated Appropriations Act, signed into law by President Trump on December 27, 2020, extended the expiration date until January 31, 2021. On January 29, the CDC further extended the order until March 31, 2021.

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