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NEWS FOR IMMEDIATE RELEASE

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States Argue in Supreme Court Brief Supporting CDC Eviction Ban to Protect Public Health During Pandemic

MADISON, Wis. – Attorney General Josh Kaul and a coalition of 23 attorneys general are filing a brief with the U.S. Supreme Court supporting the order by the Centers for Disease Control and Prevention (CDC) that prohibits evictions during the COVID-19 pandemic to help stop the spread of the disease.

“With many more Americans getting vaccinated every day, now is not the time to abruptly end the CDC’s eviction moratorium,” said Attorney General Kaul. “Unleashing a wave of evictions would undermine our economic recovery and the ongoing effort to fight the pandemic.”

In an amicus brief filed in *Alabama Assoc. of Realtors v. HHS*, which is on emergency application to the Supreme Court, the attorneys general argue that the CDC’s eviction moratorium should remain in place and states would face potentially catastrophic harm if it is suddenly vacated. Specifically, the coalition argues that without the moratorium in place, millions of vulnerable individuals would be unsafely forced from their homes and into streets, crowded shelters, and others’ homes across state lines, risking spreading COVID-19. With only about half of Americans fully vaccinated, such action could jeopardize the United States’ fragile health and economic recovery. Numerous jurisdictions passed their own local moratorium on evictions, but the CDC’s Order is critical to prevent the spread of COVID-19 across state lines.

In 2020, Congress passed COVID-19 relief legislation, which included a 120-day eviction moratorium for certain rental properties. When that legislation expired in July 2020, the CDC issued its own eviction moratorium order under its authority to

Page 1 of 3

protect public health. The CDC order protects certain tenants who aren't able to pay full rent because of a loss of income or medical expenses from being evicted at residential properties nationwide. The order was originally set to expire on December 31, 2020, but was extended by Congress through January 31, 2021, and has been further extended by the CDC. It is currently set to run through June 30, 2021 and could be extended again.

The eviction ban was challenged by property owners, managers and trade associations, who want to resume evictions. The lower court in this case ruled that the CDC does not have the authority to order a national eviction ban but granted the government's request to stay the court's decision pending appeal. After the court of appeals denied plaintiffs' motion to vacate the stay, the plaintiffs appealed to the Supreme Court, asking for the stay to be vacated.

In their *amicus* brief filed in *Alabama Assoc. of Realtors v. HHS*, the attorneys general urge the Supreme Court to allow the CDC's eviction moratorium to remain in place because:

- **Eliminating the CDC Order would throw state COVID-19 responses into disarray:** To stop the spread of COVID-19, every state has implemented some measure of social distancing and has, in some form, encouraged or required individuals to stay at home if possible. States relied on the CDC Order as part of their broad COVID-19 response, with some states expressly adopting the CDC Order under state authority. Others relied on the CDC Order to stop evictions and did not pass their own eviction regulations to avoid creating confusion. For states that enacted their own, more expansive protections against eviction, the CDC Order acts as a national floor, preventing spillover effects from neighboring states with fewer protections against evictions.
- **The pandemic is still ongoing and suddenly vacating the ban would irreparably harm the states:** The risk of COVID-19 remains potentially catastrophic even amid the vaccine rollout. Roughly half of U.S. adults remain unvaccinated, and the vaccine is currently available only for those 12 years of age and older. And, although numbers are declining, more than 14,000 cases are still reported daily, and over 2,500 people are hospitalized for COVID-19 each week. If the CDC's Order was vacated, millions of people would suddenly be thrown out of their homes and forced to move in with friends or family, into shelters, or onto the street. According to the CDC, as many as 30-40 million American renters are at risk of eviction, and at least four million are at "imminent risk." If these individuals and families are evicted, that would significantly increase the potential for the spread of COVID-19. This would not only harm the individuals directly affected, but it would also threaten entire communities and public health.

- **Renters and their families remain disproportionately vulnerable to COVID-19:** Americans at risk of eviction are disproportionately unlikely to be vaccinated. Both evictions and COVID transmission are more frequent in lower-income neighborhoods. Additionally, a significant percentage of renter households who have fallen behind on rent have children, many of whom cannot currently get vaccinated.
- **COVID-19 does not respect state borders:** A national response, like the CDC’s eviction moratorium, is needed to control the spread of COVID-19. A patchwork jurisdiction-by-jurisdiction approach cannot contain a virus that moves with infected people across state lines. Additionally, research has shown that when households are evicted, they move in with friends or family. Mixing households—which may happen across state lines—increases the risk of spreading the coronavirus.
- **A pause on evictions is still needed for economic reasons:** Many people still cannot pay the back rent they owe while the nation slowly reopens. The federal government has appropriated over \$45 billion to help renters catch up on their rent, and these funds are being provided to state and local governments. It takes time for states to properly disburse these payments to their residents.

A copy of the amicus brief is [available here](#).

Attorney General Kaul was joined in the brief by the attorneys general of California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington.