

## Anne Cook

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**From:** Margaret L. Singleton <MSingleton@hobbsstraus.com>  
**Sent:** Friday, August 27, 2021 8:45 AM  
**Subject:** Housing Update: Supreme Court Strikes Down CDC Eviction Moratorium

*To our Housing Clients:*

*In our Housing/COVID-19 update memo yesterday, we noted that while the CDC had recently extended its eviction moratorium, the Supreme Court was in the process of reviewing the legal validity of that moratorium. Last night the Supreme Court issued a per curiam (unsigned) opinion striking down the eviction moratorium. You can read the eight-page decision here: [https://www.supremecourt.gov/opinions/20pdf/21a23\\_ap6c.pdf](https://www.supremecourt.gov/opinions/20pdf/21a23_ap6c.pdf)*

*In short, the six justices who voted to strike down the moratorium felt that CDC exceeded its legal authority. The CDC had based its action on a decades-old statute that gave it certain authorities to address pandemics, such as ordering quarantines and fumigation. The Supreme Court majority held last night that this statute did not provide CDC further authority to mandate an eviction moratorium, and that additional Congressional action would be needed.*

*The decision was not a surprise. As we reported, earlier this summer, when the Court upheld a prior iteration of the moratorium, one of the justices (Kavanaugh) made clear he would not vote to support any extension unless Congress took action. When President Biden announced the extension in early August, he also noted that it was likely the Supreme Court would strike it down. We will keep you updated on the Administration's response in light of this opinion.*

*Thank you,*

*Ed*

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