

NEWS ALERT



U.S. Supreme Court Strikes Down CDC Eviction Moratorium

By Robert E. Kaelin | August 27, 2021

In a 6-3 Ruling, the United States Supreme Court struck down late yesterday the recent CDC nationwide eviction moratorium as overreaching by the CDC and exceeding its authority. In Alabama Association of Realtors, et al. v. Department of Health and Human Services, et al., Case No. 21A23, Aug. 26, 2021 (click [here](#) for the decision), the Supreme Court noted how the initial federal moratorium, which was part of the CARES Act, was passed by Congress, but had expired and had not been renewed by Congress. Thus, the CDC took matters in its own hands imposing the current moratorium, which the Court clearly stated was overreaching and would have otherwise given the CDC a “breathtaking amount of authority.” Notably, the Supreme Court held that [i]f a federally imposed eviction moratorium is to continue, Congress must specifically authorize it.” While the Court’s decision takes away the federally imposed restrictions on residential evictions, depending on the state, there still may be some local restrictions in place.

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