



CDC evictions moratorium extended until June 30



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A federal moratorium banning evictions for non-payment of rent was extended by the Biden Administration Monday, setting the table for months of added relief to millions of renters, while landlord advocates continue to push back on the order's legality and constitutionality.

The pandemic-related protection, which provides relief for renters out of concern evictions could cause coronavirus spread from families moving into shelters or in with relatives, was scheduled to expire on Wednesday. This is the third time the ban has been extended, this time until June 30.

Area housing advocates praised the extension, calling it a necessary step as the economy continues its recovery and renters struggle to make on-time payments.

“I think this is a relief and great news for a lot of people,” said Sarah Jenkins, director of public policy and community engagement at Toledo’s Fair Housing Center. “Housing is always very critical, but especially during a pandemic, it put a lot of people at risk for being displaced and losing their housing.”

Alicia Kingston, an attorney with Legal Aid of Western Ohio, said the extension is a “positive for both sides.”

“It will allow for the rental assistance that was just recently passed to hopefully go through and make landlords whole, and allow for tenants to stay in properties, which was the whole purpose of the CDC moratorium when it started,” she said.

But housing advocates agree the order isn’t a perfect solution to ending evictions, and interpretation from different courts may complicate its effectiveness.

“We definitely still need a federal moratorium, so the least the government could do is extend it,” said Eric Dunn, director of litigation at the National Housing Law Project. “I just think they didn’t address the serious problems with the moratorium that were causing it to not have nearly the effect that it needs to have.”

Those problems, Mr. Dunn argues, are landlords finding ways around the non-payment of rent specification and moving to evict tenants for a myriad of other reasons.

There’s also legal challenges to the order.

In three states — Texas, Tennessee, and Ohio — federal judges have either struck down the constitutionality of the CDC eviction moratorium, ruled it wasn’t authorized by Congress and therefore is unenforceable, or argued it was simply illegal. On Monday, a judge for the United States Court of Appeals Sixth Circuit declined to issue a stay on the judge’s decision striking down the order in Tennessee.

“Between not making any of the necessary changes, and the decision from the sixth circuit today... It’s difficult to see this preventing evictions at the level we need to prevent them at,” Mr. Dunn added.

On March 10, U.S. District Judge Philip Calabrese for the Northern District of Ohio, an appointee of former President Donald Trump, ruled that the CDC had overstepped its authority in banning evictions across the nation.

Judge Calabrese sided with a group of landlords who argued the CDC didn’t have the power to ban them from evictions. In *Skyworks vs. CDC*, Judge Calabrese argued the order wasn’t properly ratified by Congress, and therefore it was unenforceable. He stopped short of granting an injunction that would have stopped the CDC from enforcing the order.

In response, Brian Boynton, the acting assistant attorney general for the civil division of the U.S. Department of Justice, said in a statement on March 12 the department “respectfully disagrees with the March 10 decision of the district court in *Skyworks vs. CDC* concluding that the moratorium exceeds CDC’s statutory authority to protect public health.”

The statement further added: “In any event, the decision applies only to the particular plaintiffs in that case. It does not prohibit the application of the CDC’s eviction moratorium to other parties. For other landlords who rent to covered persons, the CDC’s eviction moratorium remains in effect.”

The judge’s decision in Ohio has led to local housing courts using different interpretations of the ruling. According to the Akron Beacon Journal, Akron Municipal Court, which falls in the jurisdiction of the Northern District of Ohio, will follow Judge Calabrese’s decision. Other courts across the state, however, have ruled the CDC moratorium is still in effect.

“The way this is likely to play out is each of these judges is going to decide what their position is on the CDC order, whether it is constitutional or it’s not constitutional, and then they’re going to render that at every case,” Mr. Dunn said.

It’s unclear how the Skyworks decision will affect Toledo, which also falls under the Northern District of Ohio’s jurisdiction.

Toledo Housing Court Judge Joseph Howe said Monday local landlords have challenged whether a tenant qualifies for the CDC moratorium, and local housing judges and magistrates have ruled on those specific cases. But his court has yet to hear an argument based on legality or constitutionality, he said.

“As for the constitutionality of it, I haven’t had anybody raise that argument in front of me yet,” he said. “I would anticipate they’re going to.”

“It’s a real mix even just in Ohio,” Veronica Martinez, managing attorney for Legal Aid of Western Ohio, said.

Carol Walls, president of Toledo’s Property Investors Network, a local landlord activist group, applauded Judge Calabrese’s decision, arguing landlords are working with tenants on relief, aid is being made available at multiple levels, and a federal order is making it harder on landlords who have already taken massive financial hits during the pandemic.

“I think a lot of this was blown out of proportion to begin with, and I think it’s a power grab,” Ms. Walls said. “...I think they’re making it hard for the housing providers.”

In a statement, U.S. Sen. Sherrod Brown (D., Ohio), the chairman of the senate’s Committee on Banking, Housing, and Urban Affairs, said the extension was “absolutely essential.”

“No one should be left without a home, especially during a



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pandemic,” he said. “...Now we need to make sure that renters are protected by the moratorium as state and local agencies distribute nearly \$47 billion in rental and utility assistance provided in the American Rescue Plan and December assistance package.”

Locally, Lucas Metropolitan Housing extended its own moratorium on evictions for nonpayment of rent until July 31, the public housing agency’s president and chief executive officer Joaquin Cintron Vega said. LMH has extended the moratorium several times already and will do so again if officials deem it necessary.

“LMH understands that housing insecurity was already at a crisis level nationally and locally before COVID-19. This determination is consistent with the strategy of Lucas Metropolitan Housing to extend the Eviction Moratorium at least one month beyond the CDC mandate,” an agency statement said. “This allows LMH more time and flexibility to work with its residents to ensure that they remain in their homes.”

Information from The Blade news services was used in this report.

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