Attorney General Raoul Supports CDC Eviction Ban To Protect Public Health During Pandemic

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CHICAGO – Attorney General Kwame Raoul today, as part of a coalition of 23 attorneys general, filed a brief with the U.S. Supreme Court supporting the Centers for Disease Control and Prevention's (CDC) order that prohibits evictions during the COVID-19 pandemic in order to help stop the spread of the disease.

[In an amicus brief](#) filed in Alabama Assoc. of Realtors v. HHS, Raoul and the attorneys general argue that the CDC's eviction moratorium should remain in place and that states would face serious harm if it is suddenly vacated. Specifically, Raoul and the coalition argue that without the moratorium in place, millions of vulnerable individuals would be forced from their homes and into streets, crowded shelters, and others' homes, risking spreading COVID-19. With only about half of Americans fully vaccinated, such action could jeopardize the United States' health and economic recovery. Although Gov. JB Pritzker issued a moratorium on residential evictions early in the pandemic that is still in effect, the CDC's moratorium is critical to prevent the spread of COVID-19 across state lines.

"Overturning the CDC's eviction moratorium would remove protections in states that relied on the CDC's order to mitigate the spread of COVID-19 and could jeopardize the nation's recovery, causing the number of coronavirus cases to rise again," Raoul said. "I urge the court to uphold the CDC's eviction moratorium so that states can continue the progress being made to protect residents – particularly vulnerable populations – during the pandemic."

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 an eviction moratorium order under its authority to protect public health. The CDC order protects certain tenants who are unable 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 Dec. 31, 2020, but was extended by Congress through Jan. 31, 2021, and has been further extended by the CDC. It is set to run through June 30, 2021, and could be extended again.

Illinois has separately enacted its own moratorium on residential evictions. In March 2020, Gov. Pritzker issued Executive Order 2020-10, which instructs law enforcement officers to cease enforcement of residential eviction orders. In April 2020, Gov. Pritzker issued Executive Order 2020-30, which prohibits landlords from commencing residential eviction actions under most circumstances. These provisions have been extended and amended several times and remain in effect today.

The CDC 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 the plaintiffs' motion to vacate the stay, the plaintiffs appealed to the Supreme Court, asking for the stay to be vacated.

In the amicus brief, Raoul and the coalition 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:** 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 Illinois and other 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. Although numbers are declining, more than 14,000 cases still are reported daily, and more than 2,500 people are hospitalized for COVID-19 each week. If the CDC's Order was vacated, millions of people suddenly would be thrown out of their homes and forced to move in with friends or family, into shelters, or onto the street. These individuals and families being evicted would significantly increase the potential for COVID-19 to spread.

- **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 households that 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 approach cannot contain a virus that moves with infected people across state lines. Additionally, 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, and these

funds are being provided to state and local governments. It takes time for states to properly disburse these payments to their residents.

Joining Raoul in filing the brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Washington and Wisconsin.