

Texas Federal District Court Overturns CDC Eviction Moratorium

March 05, 2021

On February 25, 2021, an Eastern District of Texas federal judge [ruled](#) that the Centers for Disease Control and Prevention's national eviction moratorium was unconstitutional. The moratorium was enacted by the CDC in September of 2020 and was justified as a way to prevent the further spread of COVID-19 as various state and local government eviction moratoriums began to expire and residential evictions were set to resume. The CDC's moratorium was recently extended through March 31 of this year.

Siding with landlords across the state, U.S. District Judge J. Campbell Barker concluded that "[a]lthough the COVID-19 pandemic persists, so does the Constitution," holding that the federal government's power to regulate interstate commerce does not apply to "property rights in buildings — specifically, whether an owner may regain possession of property from an inhabitant."

Although the Department of Justice has filed a notice of appeal, this case may mark a turning point for landlords who have continued to pay taxes and other costs associated with their properties for the past year. While the nationwide reach of this decision remains to be seen, we can expect to see landlords citing to this Texas case in eviction filings across the country.

Authored By



Aaron C. Dunlap

Related Practices

[Development](#)

[Government Law & Consulting](#)

[Real Estate](#)

Related Industries

[Real Estate](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.