

Texas Federal District Court Overturns CDC Eviction Moratorium

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Aaron C. Dunlap

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.

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