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NCLA’s Lawsuit against CDC’s National Eviction Moratorium Draws New Plaintiffs Including Organization Representing over 85,000 in the Rental Housing Industry

Brown, Rondeau, Krausz, Jones and the National Apartment Ass’n v. Centers for Disease Control & Prevention

Washington, DC (September 22, 2020) – The New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, added thousands of new plaintiffs to its lawsuit against the national eviction moratorium issued by the U.S. Centers for Disease Control and Prevention (CDC) earlier this month. The order overrules duly enacted state laws across the country that protect landlords from delinquent tenants who break their rental contracts.

In addition to the original plaintiff, Rick Brown of Virginia, the new plaintiffs in the case include Jeffrey Rondeau of New Jersey; David Krausz of South Carolina; Sonya Jones of Georgia; and the National Apartment Association. The NAA has more than 85,000 members managing over 10 million rental units throughout the United States.

NCLA filed a [complaint](#) and request for a [temporary restraining order](#) on September 8th in the U.S. District Court for the Northern District of Georgia. The lawsuit challenges the authority of the CDC to impose the [“Temporary Halt in Residential Evictions to Prevent Further Spread of COVID-19”](#) agency order, which claims stopping residential evictions will help contain COVID-19.

Plaintiffs Brown, Rondeau, Krausz, and Jones claim they are in the red and are owed thousands of dollars in back rent from their delinquent tenants. The federal order denies their right to access state courts to obtain a writ of eviction to take possession of their own property by the only lawful means available to them to evict a tenant. The lawsuit argues that nothing in the relevant statutes or regulations gives CDC the power or authority to issue an eviction-moratorium order because these agencies have no right to make law. Only Congress can do that.

Because the CDC has not identified any act of Congress that confers upon it the power to halt evictions or preempt state landlord-tenant laws, the order violates the U.S. Constitution and should be declared void by the Court. CDC’s order also impermissibly commandeers state courts and state officers to apply, enforce, and implement an unconstitutional federal law.

NCLA asks the court to stop the agency from enforcing the unlawful order that also exceeds limits on the Supremacy Clause, raises serious non-delegation doctrine concerns, and implicates anti-commandeering principles and precedents.

NCLA released the following statements:

“Since we filed our lawsuit, NCLA has received an overwhelming response from people across the country who have been harmed by CDC’s national eviction order. This speaks to the serious damage caused by CDC’s lawless effort to rewrite the law. We are thrilled to represent the members of the NAA and the brave property owners who are standing up to this abuse of power.” — **Caleb Kruckenberg, Litigation Counsel, NCLA**

“When will the federal government learn that Congress makes the laws, not federal agencies? NCLA looks forward to vindicating the civil rights of our clients to access the courts, enforce their rental contracts, and preserve their rights to reclaim their own property.”

— **Mark Chenoweth, Executive Director and General Counsel, NCLA**

ABOUT NCLA

NCLA is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar Philip Hamburger to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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