



**FOR IMMEDIATE RELEASE**

**Media Inquiries:** [Judy Pino](#), 202-869-5218

## **NCLA Points 11th Circuit to Recent District Court Ruling Setting Aside CDC's Eviction Moratorium**

*Rick Brown, et al. v. Secretary Alex Azar, et al.*

**Washington, DC (March 12, 2021)** – This week marks the one-year anniversary of the COVID-19 pandemic. With all that has been lost, the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, is fighting to make sure Americans do not lose their cherished constitutional rights. Today, NCLA filed a [reply brief](#) in its appeal to the U.S. Court of Appeals for the Eleventh Circuit in the case *Rick Brown, et al. v. Secretary Alex Azar, et al.* NCLA is asking the Court of Appeals to reverse an erroneous [decision](#) by the U.S. District Court for the Northern District of Georgia denying a motion by several housing providers to block a nationwide “eviction moratorium” order issued by the Centers for Disease Control and Prevention (CDC) in September 2020.

NCLA’s brief points to a [ruling](#) just this week from the U.S. District Court for the Northern District of Ohio in the case *Skyworks, LTD., et al. v. Centers for Disease Control and Prevention, et al.*, where the court held that the nationwide moratorium issued by the CDC exceeded the agency’s statutory authority. The reply brief refutes CDC’s arguments and asks the court to stop the agency’s unlawful foray into housing policy and its interference with state court operations. CDC’s public health mandate does not justify the moratorium, which unconstitutionally deprives housing providers of their property and denies them access to state court proceedings.

CDC has never proved that state actions were inadequate or that its eviction moratorium was necessary to stop the spread of COVID-19. Using the pandemic emergency as an excuse, the moratorium order, which is entitled [“Temporary Halt in Residential Evictions to Prevent Further Spread of COVID-19,”](#) has since been extended to March 31<sup>st</sup> and continues to deprive appellants Rick Brown, Jeffrey Rondeau, Richard Krausz, Sonya Jones, and the members of the National Apartment Association of their constitutional rights to access the courts to seek to regain possession of their properties from delinquent tenants. CDC has also presented no compelling evidence that the Order has had any appreciable effect on COVID-19 infections, while it unquestionably has had a devastating effect on housing providers across the country.

NCLA is hopeful, especially given the recent outcome in Ohio, that the Eleventh Circuit will reverse the district court’s decision and enter a preliminary injunction against CDC’s eviction moratorium order.

### **NCLA released the following statements:**

“As the federal court in Ohio ruled just this week, CDC has no business intruding into state court operations and declaring that housing providers are criminals if they seek a remedy for tenants who refuse to pay rent. With the CDC posed to potentially extend this order yet again, the Eleventh Circuit must stop CDC’s brazen power grab.”

— **Caleb Kruckenberg, Litigation Counsel, NCLA**

“CDC had zero statutory basis to issue its unprecedented eviction moratorium. Not stopping this power grab sooner has already had devastating consequences for housing providers. The Eleventh Circuit can now join federal courts in Texas and Ohio that have recognized that this order must be set aside and end the vast overreach of administrative power at work here.”

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

**For more information about this case visit [here](#).**

## **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.

###