

# Congress of The United States

## House of Representatives

Washington, DC 20515-0535

August 2, 2021

The Honorable Nancy Pelosi  
Speaker  
US House of Representatives  
The Capitol  
Washington DC 20515

Dear Madam Speaker:

Like you and many of our colleagues, I believe the Centers for Disease Control and Prevention (CDC) has the authority to extend the eviction moratorium. Right now, over 7 million individuals, including children, across this country could face the heartbreaking reality of eviction and homelessness. This is an emergency, but it could have been prevented.

As you know, as Chairwoman of the House Committee on Financial Services, I worked tirelessly to support both landlords and tenants throughout this pandemic by securing nearly \$50 billion in emergency rental assistance. As part of my commitment to get assistance to as many people as possible, I have held meetings with U.S. Treasury Secretary Janet Yellen, Senior Advisor to the President Gene Sperling, and many others. I implored the Biden administration to simplify application forms and encourage state and local governments to disburse the emergency rental assistance funds quickly and efficiently. Unfortunately, even though the U.S. Department of the Treasury has made all \$46 billion available, only \$3 billion has been spent by states across this country.

While the latest data from the Department of the Treasury showed that more relief in the form of emergency rental assistance was provided in June than in all prior months combined – helping nearly 300,000 families – time is up. The eviction moratorium expired on July 31, 2021 and the Biden administration should have ensured more money reached more people. With over \$40 billion in emergency rental assistance available to landlords and tenants, there is no reason why the Biden administration should stand by as millions of families anxiously await eviction notices or find themselves without a roof over their heads. The Biden administration’s decision to allow the eviction moratorium to expire has needlessly left the 7 million tenants behind on rent with no options – even though the solution lies in the emergency rental assistance allocated by Congress.

On June 29, 2021, the Supreme Court kept the CDC’s eviction moratorium in place until July 31, 2021, with five Supreme Court justices voting in the affirmative. Chief Justice John Roberts and Justices Stephen Breyer, Sonia Sotomayor, Elena Kagan, and Brett Kavanaugh refused to lift the federal ban on evictions. However, Justice Kavanaugh also issued a concurring opinion that stated, in part,

“In my view, clear and specific congressional authorization (via new legislation) would be necessary for the CDC to extend the moratorium past July 31.”

Due to Justice Kavanaugh's concurring opinion, the Biden administration now states that they do not believe they have the legal authority to extend the CDC eviction moratorium. I would like to point out that the Supreme Court did not rule one way or the other on the legality of the CDC eviction moratorium. In fact, the Court merely declined to take up the emergency appeal from the Alabama Association of Realtors. To this day, there has not been a ruling on this particular emergency by the Supreme Court that has explicitly and assuredly indicated that the President of the United States cannot extend the CDC eviction moratorium through executive action. In fact, the President has directed the CDC to extend the eviction moratorium in the past and can and should do so once again.

Right now, the United States is experiencing an alarming rise in COVID-19 cases and hospitalizations that would only be worsened by an eviction tsunami that could put millions out of their homes and onto the streets. The fact is that researchers have found that expired eviction moratoriums led to an additional 433,700 cases of COVID-19 and 10,700 associated deaths. These numbers will only get worse if the CDC fails to act. According to the Eviction Lab, those most likely to face eviction in the coming days and weeks are also the least likely to be vaccinated. Extending the CDC eviction moratorium is not only a moral imperative, but a public health imperative.

In light of the Biden administration's refusal to extend the eviction moratorium and last-minute punt to Congress, our colleagues in the House of Representatives have displayed a tremendous amount of courage and commitment by highlighting the urgent need to extend the moratorium. However, I do not believe that there is a more efficient way by which to deal with this emergency than for the CDC to immediately extend the eviction moratorium and protect millions of families and children from eviction.

Speaker Pelosi, as our nation continues into another day of this eviction emergency, I stand with you as you use all of your power and influence to insist that the CDC move forward and extend the eviction moratorium – something that it has already done in the past.

Respectfully,

A handwritten signature in black ink that reads "Maxine Waters". The signature is written in a cursive, flowing style.

Maxine Waters

Member of Congress