

Congress of the United States

Washington, D. C. 20515

November 9, 2020

The Robert R. Redfield
Director
Centers for Disease Control and Prevention
Atlanta, GA, 30329

The Honorable Alex M. Azar
Secretary
Department of Health and Human Services
Washington, D.C. 20416

Dear Director Redfield and Secretary Azar:

We write today regarding the guidance issued on October 9, 2020 with respect to the Centers for Disease Control and Prevention's (CDC) agency order on evictions.¹ We believe the aforementioned guidance will detrimentally affect tenants and exacerbate the perils for those facing or currently experiencing homelessness, and that new guidance is needed in order to continue to protect tenants across the United States.

As you know, on September 4, 2020, the CDC issued a temporary halt on residential evictions (agency order) in the United States until December 31, 2020 (42 CFR 70.2) for renters who meet certain criteria. Under this order, landlords shall not evict any covered person "from any residential property in any jurisdiction" until the expiration of the order. To exercise those protections, covered persons (tenants) must sign a declaration under penalty of perjury indicating that they: are making the maximum rent payment possible; earn under \$99,000 a year or have a substantial loss of household income; are making all efforts to pay some of their rent if possible; and would be rendered homeless by an eviction.

The updated guidance, however, undermines the intentions of the original agency order by allowing landlords to challenge tenant declarations and initiate the eviction process.² Even though those evictions should not be processed, merely allowing landlords to initiate this process shifts the burden of proof onto cash-strapped tenants and functionally acts as a weapon for landlords. Since September, corporate landlords have filed over 10,000 evictions, according to recent reports by NBC News.³

The agency order has been a useful tool to keep some renters in their homes temporarily. While significant rental assistance is also needed in order to prevent a long-term crisis, the CDC order needs adjustments to be maximally effective. First, we ask that you either rescind the guidance issued on October 9, 2020 or institute a reasonable burden of proof that landlords must meet prior to filing an eviction for the duration of this order. Doing so will prevent landlords from improperly filing for eviction during these winter months and will continue to shield tenants from unlawful eviction.

Second, we request that you extend the agency order for an additional 90 days, until March 31, 2021. The agency order is more essential now than ever. Of the 100 million Americans residing in renter households, the National

¹ <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>

² <https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf>

³ <https://www.nbcnews.com/business/personal-finance/large-corporate-landlords-have-filed-10-000-eviction-actions-five-n1244711>

Low Income Housing Coalition estimates that over 96 percent are protected by the agency order.⁴ Further, it is a well-established fact that respiratory diseases such as COVID-19 spread more easily in the cold winter months.⁵ Extending the order will provide peace of mind to millions of renters and will allow Congress to continue its essential work in drafting a Phase 4 coronavirus relief package.

Finally, we ask that you issue new guidance requiring landlords to inform their tenants of the agency order and provide stronger mechanisms to enforce penalties against landlords who violate it. While the original order does indicate that violators may be subject to criminal penalties, it does not provide a suitable pathway for action against those caught acting unlawfully. We believe that updated guidance should be instituted in order to prevent unwarranted evictions.

It is critical that we take all necessary action to protect vulnerable people from the related threats of homelessness and COVID-19 and we believe that the agency order is part of the solution to achieve those goals. We urge the CDC and the Department of Health and Human Services to take the steps outlined above in order to continue to safeguard the vulnerable among us as we look to defeat this virus. We look forward to your response.

Sincerely,

/s/ Alma S. Adams, Ph.D.
Alma S. Adams, Ph.D.
Member of Congress

/s/ Wm. Lacy Clay
Wm. Lacy Clay
Member of Congress

/s/ André Carson
André Carson
Member of Congress

/s/ Barbara Lee
Barbara Lee
Member of Congress

/s/ Eleanor Holmes Norton
Eleanor Holmes Norton
Member of Congress

/s/ Albio Sires
Albio Sires
Member of Congress

/s/ Terri A. Sewell
Terri A. Sewell
Member of Congress

/s/ Donald S. Beyer Jr.
Donald S. Beyer Jr.
Member of Congress

/s/ Jim Cooper
Jim Cooper
Member of Congress

/s/ Sanford D. Bishop, Jr.
Sanford D. Bishop, Jr.
Member of Congress

/s/ Debbie Dingell
Debbie Dingell
Member of Congress

/s/ Al Lawson
Al Lawson
Member of Congress

⁴ [https://nlihc.org/sites/default/files/The Eviction Crisis_080720.pdf](https://nlihc.org/sites/default/files/The_Eviction_Crisis_080720.pdf)

⁵ <https://www.cdc.gov/flu/about/season/flu-season.htm>

/s/ Carolyn B. Maloney
Carolyn B. Maloney
Member of Congress

/s/ Mark DeSaulnier
Mark DeSaulnier
Member of Congress

/s/ Doris Matsui
Doris Matsui
Member of Congress

/s/ Lucille Roybal-Allard
Lucille Roybal-Allard
Member of Congress

/s/ Val B. Demings
Val B. Demings
Member of Congress

/s/ Steve Cohen
Steve Cohen
Member of Congress

/s/ Grace Meng
Grace Meng
Member of Congress

/s/ Danny K. Davis
Danny K. Davis
Member of Congress

/s/ Ayanna Pressley
Ayanna Pressley
Member of Congress

/s/ Jerrold L. Nadler
Jerrold L. Nadler
Member of Congress

/s/ Pramila Jayapal
Pramila Jayapal
Member of Congress

/s/ Ami Bera, M.D.
Ami Bera, M.D.
Member of Congress

/s/ Jan Schakowsky
Jan Schakowsky
Member of Congress

/s/ Henry C. "Hank" Johnson, Jr.
Henry C. "Hank" Johnson, Jr.
Member of Congress

/s/ Jerry McNerney
Jerry McNerney
Member of Congress

/s/ Mark Takano
Mark Takano
Member of Congress

/s/ Joyce Beatty
Joyce Beatty
Member of Congress

/s/ Frederica S. Wilson
Frederica S. Wilson
Member of Congress

/s/ José E. Serrano
José E. Serrano
Member of Congress

/s/ Kathy Castor
Kathy Castor
Member of Congress