

January 21, 2021

The Honorable Dr. Rochelle Walensky  
Director  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30329

To Director Walensky:

On behalf of the National Low Income Housing Coalition and National Housing Law Project, we write to extend our gratitude for your service as director of the Centers for Disease Control and Prevention (CDC) during this challenging time and our sincere desire to work with you to ensure that America's lowest-income and most marginalized renters are safe and healthy during the coronavirus pandemic. Thank you for taking quick and decisive action to extend the CDC federal eviction moratorium through at least March. President Biden's and your action to extend the moratorium will help keep millions of renters stably housed during the pandemic, preventing enormous, negative consequences for individuals and families, communities, and our nation's public health and economy.

Extending the existing moratorium, however, is insufficient to protect renters during the pandemic. The existing moratorium has significant flaws that undermine its public health impact and put lives at risk. The moratorium must be improved and enforced. Given the urgency, and our shared commitment to ensuring housing stability during the pandemic, we request to meet with you as soon as possible to discuss necessary improvements to the federal eviction moratorium.

Evictions put lives at risk and strain our already overstretched public health systems. As the CDC makes clear in its order, "eviction moratoria—like quarantine, isolation, and social distancing—can be an effective public health measure utilized to prevent the spread of communicable disease." The CDC order rightfully holds that, "evictions threaten to increase the spread of COVID-19 as they force people to move, often into close quarters in new shared housing settings with friends or family, or congregate settings such as homeless shelters." The CDC warned that these challenges "may be exacerbated as fall and winter approach" and found that "immediate action is necessary." As outlined by the CDC, evictions have enormous consequences for our nation's public health. In fact, evictions occurring between the beginning of the pandemic and the issuance of the CDC moratorium in September may have led to more than [400,000 more COVID-19 cases and nearly 11,000 additional deaths](#).

Under your leadership, the CDC must immediately address the [significant flaws](#) in the eviction moratorium that have allowed landlords to continue to evict renters at alarming rates. To protect America's lowest-income and most marginalized renters and reduce the spread of COVID-19, the CDC must strengthen the moratorium by:

- **Creating a universal moratorium.** The current order requires tenants to submit a declaration to their landlord before receiving the protections of the order. This means that only those tenants that know about the order are protected, leaving the most vulnerable tenants at risk of eviction. The declarations also offer predatory landlords the opportunity to challenge tenant certifications and defy the order. The new order should cover all tenants without requiring them to "apply" for the protection. If the declaration

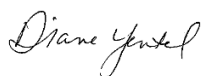
requirement remains, all landlords should be required to notify their tenants of the order and to attest that they have not received a declaration when filing an eviction action.

- **Applying the order to all stages of the eviction process.** The clarifications in the October 10 FAQ from the CDC were contrary to the plain language of the original order that defines eviction as “any action by a landlord...” to remove the tenant. The FAQ allows landlords to file evictions, but it insists evictions should not be executed. Because evictions are not allowed until the moratorium expires, the only purpose for allowing landlords to file eviction proceedings is to give landlords the power to pressure, scare, or intimidate renters into leaving their homes. A new order should explicitly bar all stages of the eviction process including notice, filing, hearing, judgment, and physical eviction.
- **Extending the effect of the order to all eviction processes.** The current order is vague on the order’s reach beyond nonpayment evictions. Because the intent of the order is to prevent the spread of coronavirus, it is essential that individuals and families remain in their homes through the worst of the pandemic. The new order should clarify that it covers all evictions including no fault evictions and evictions at the end of lease term. A narrowly construed exception for serious health and safety violations should be the only exception to the moratorium.
- **Enforcing the moratorium.** While the current CDC order purports to impose criminal penalties on landlords who violate the moratorium, there has been no enforcement effort. There is no mechanism for renters to file complaints against landlords who violate the order, and no agency has been tasked with resolution. As a result, the criminal penalties in the order have been ineffective and landlords continue to evict renters in violation of the moratorium without consequence. The Biden-Harris administration should create a hotline number that renters can use to file complaints, and the administration must charge the U.S. Department of Justice and the Consumer Financial Protection Bureau to enforce the CDC order. The process for enforcement must be clear and published on all relevant materials and websites.

The primary goal of the CDC eviction moratorium must be to ensure housing stability during the pandemic. To this end, we urge the CDC to immediately improve and enforce the moratorium, and we look forward to meeting with you to discuss these issues further. For more information and to schedule a meeting, please contact us directly at [dyentel@nlihc.org](mailto:dyentel@nlihc.org) and [sroller@nhlp.org](mailto:sroller@nhlp.org).

Sincerely,

Diane Yentel



President and CEO  
National Low Income Housing Coalition

Shamus Roller



Executive Director  
National Housing Law Project