

Legislative

The eviction moratorium seesaw is going to continue to fluctuate over the next couple of weeks. As leaders, knowing how to set expectations will help in leading your association. The headlines over this past weekend focused on the Washington DC circuit court judge not striking down the eviction moratorium. The details are much more interesting. The judge was following the instructions of her circuit, and stated that her hands were tied on this issue. This is neither a win nor a loss. There will be an appeal, and the circuit will weigh in, most likely again for the eviction moratorium. However, that is neither a win or a loss. The key focus will be whether or not the Supreme Court weighs in. One of the items weighing heavily on the court, will be the fact that the DC circuit will be supportive of the moratorium, while the 6th District has struck it down already.

Constitutional attorneys believe that The Supreme Court is most likely to take up an issue that has circuits disagreeing. With two circuits, the DC and 6th district weighing in differently, it may force the court to pick up the issue. The question will be whether they do so in a timely manner, or wait until they're back in session in early October, when the moratorium expires. Headlines will continue on this issue, but should not distract from the fact that the Supreme Court will need to weigh in on this issue. Until then, it's just rehashing previous rulings.

The Supreme Court may be very interested in this issue as Justice Kavanaugh, who sided with the majority in not even hearing the case to strike down the eviction moratorium originally, though he thought the judge had ruled correctly, may change his vote to a very dramatic end. This is in no small part due to the fact that the White House had stated they would not extend the eviction moratorium past July 31st, and did so anyway. When there is a lack of trust between the branches of government, judges especially will rely more heavily on setting their rulings clearly.

While the lawyers wrangle, please be sure to work with your local rental assistance providers to act as an information resource and contact.

Related Articles

- [Emergency Rental Assistance - How to Apply State by State](#)
- [National REIA Statement on the CDC's Reimposition of their Eviction Moratorium](#)
- [Legal Battle Looms Over CDC's New Eviction Moratorium](#)

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