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Evaluating COVID-19 Eviction Crisis: Policy Responses in Prolonged Emergencies

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EVALUATING COVID-19 EVICTION CRISIS: POLICY RESPONSES IN PROLONGED EMERGENCIES

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Abstract: COVID-19 was one of the most unexpected and devastating catastrophes of the 21st century. It not only forced tenants out of their homes and into hospital beds, but also onto the streets. In response, the U.S. government implemented short-term measures such as the Centers for Disease Control and Prevention (CDC)'s eviction moratorium and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which yielded equally temporary results. While such short-sighted resolutions could be attributed to the persistent nature of the pandemic, the federal government's failure to adapt, and the inconsistent responses from state governments, ultimately led to a vicious eviction crisis across the country. In this paper, I will evaluate the challenges and shortcomings of the response to the COVID-19 eviction crisis. Through an analysis of *Alabama Association of Realtors v. Department of Health and Human Services*, as well as state and city policies implemented after July 2021 in Minnesota, California, Seattle, the District of Columbia, and New York, I will show that extensive eviction moratoriums must be in place during national crises to ensure adequate and adaptable legal protections. Ultimately, I will highlight the need for structured and collaborative efforts among federal, state, and local governments to effectively address eviction crises by balancing protections for tenants and landlords during prolonged emergencies.

INTRODUCTION

Eviction is a civil process that allows a landlord to legally remove a tenant from a rental property. State law, local law, leases, federal law, common law, and court rules govern this process. In particular, most states regulate residential renting under laws such as 25 U.S. Code

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§ 4137 – Lease Requirements and Tenant Selection. These laws are often based on the Uniform Residential Landlord and Tenant Act (URLTA) or the Model Residential Landlord-Tenant Code. Federal laws related to eviction address discriminatory practices, including the Civil Rights Act of 1866 and 42 U.S. Code Chapter 45, the Federal Fair Housing Act.²

When evicting a tenant in the state of Massachusetts, for instance, the landlord gives a notice to quit, which provides a grace period of 14 days for non-payment of rent or 30 days to vacate the property. While the tenant may attempt to resolve the conflict with the landlord, the landlord can take the tenant to court after the grace period.³ Once the tenant responds to the Summons and Complaint filed by the landlord, an agreement can be reached by both the landlord and the tenant; if not, the case goes to trial. If the judge decides in favor of the landlord, an “execution” may be issued, during which there are 10 days for the tenant to appeal. After that, the landlord can hire a sheriff or constable to provide a 2-day notice before removing the tenant and the tenant’s belongings.⁴ As such, the law serves as an equalizer between landlords and tenants. For landlords, eviction is a means to reclaim possession of their property when tenants fail to abide by the terms of the lease. For tenants, it provides legal protection against wrongful termination of their lease by landlords. In other words, the legal process of an eviction is meant to protect both the landlords and the tenants.

In times of emergencies, however, neither the landlords nor the tenants can be protected without active efforts to maximize the function of the law, as was the case during the COVID-19 era. In particular, legal efforts to address the eviction crisis were met with the utterly

²“Eviction,” LII / Legal Information Institute, n.d., <https://www.law.cornell.edu/wex/eviction>.

³“Tenants’ Guide to Eviction,” Mass.gov, June 28, 2024, <https://www.mass.gov/info-details/tenants-guide-to-eviction>.

⁴Commonwealth of Massachusetts, “Landlord’s Guide to Evictions,” Mass.gov, n.d., <https://www.mass.gov/guides/landlords-guide-to-evictions>.

unpredictable nature of the epidemic and ultimately failed, only to leave landlords and tenants helpless. Many households were unable to pay rent, and mortgage lenders tightened lending standards as the Mortgage Credit Availability Index fell to 3.3% in June 2020, the lowest since April 2014.⁵ There were attempts made to protect those affected: the Housing and Urban Development (HUD) rental assistance, numerous state funds, and Emergency Rental Assistance Programs that paid for rent, payments, utilities, and certain other expenses related to housing to support both the tenants and the landlords.⁶

One of the federal government's efforts included the Coronavirus Aid, Relief, and Economic Security (CARES) Act that Congress passed in March 2020, which gave 120 days eviction moratorium.⁷ Yet, when this act expired in just three months, the Centers for Disease Control and Prevention (CDC) extended the moratorium through July 2021 with the Coronavirus Response and Consolidated Appropriations Act. In other words, the CDC had found a way to continue maximizing the function of the law to protect households indirectly affected by the epidemic. Yet, when the CDC's order expired, it failed to issue a second moratorium as in *Alabama Association of Realtors v. Department of Health and Human Services*.⁸

As a result, the CARES Act reduced economic welfare losses by 20% without affecting the number of fatalities. It significantly benefited low-income households, but provided limited

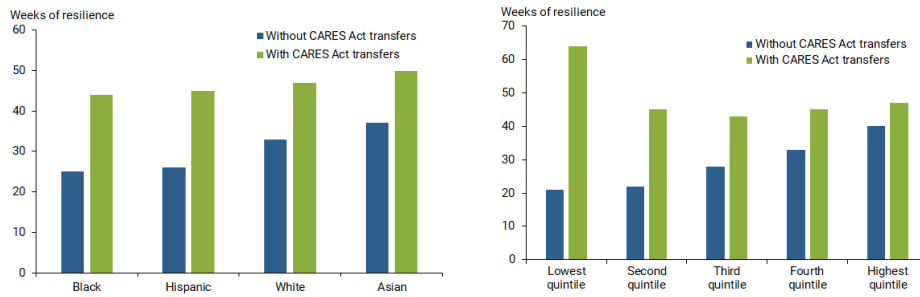
⁵“7 Findings on Covid-19's Impact on Housing,” Habitat for Humanity, accessed December 4, 2024, <https://www.habitat.org/stories/7-findings-covid-19s-impact-housing>.

⁶“Emergency Rental Assistance Program,” U.S. Department of The Treasury, February 8, 2025, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>.

⁷“H.R. 748 - 116th Congress (2019-2020): Cares Act | Congress.Gov | Library of Congress,” Congress.gov, accessed April 29, 2025, <https://news.icourban.com/crypto-https-www.congress.gov/bill/116th-congress/house-bill/748>.

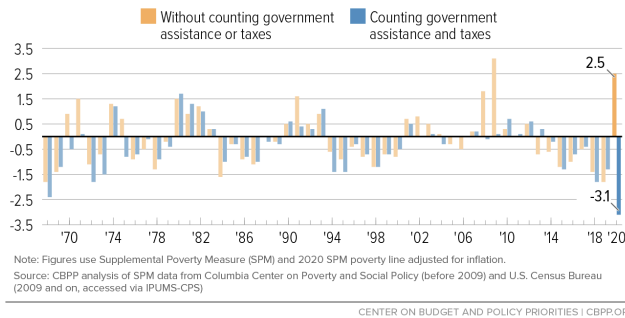
⁸“Supreme Court Strikes down the CDC's Second Eviction Moratorium,” American Bar Association, September 14, 2021, https://www.americanbar.org/groups/business_law/resources/business-law-today/2021-september/supreme-court-strikes-down-the-cdc/.

gains to middle-income households.⁹ While the CARES Act increased government debt, it provided non-employment income to help households remain afloat, meaning it increased the median household’s ability to sustain its typical consumption expenditures. As study results illustrate, the CARES Act helped lower-income households’ resilience significantly more than their higher-income counterparts, which also enabled a decrease in the discrepancy in resilience across racial groups and geographic regions.¹⁰



COVID-19 Relief Achieved Historic Drop in Poverty in 2020; Without Government Assistance, Poverty Would Have Risen Sharply

Percentage point rise or fall in poverty rate from previous year



As the figures above reveal, the CARES Act made an evident contribution to mitigating poverty, economic instability, and inequality. Some may argue that the CARES Act came at the cost of higher government debt and the failure to provide direct payments to the right individuals

⁹Becker Friedman Institute for Economics at UChicago, “The Impact of the CARES Act on Economic Welfare | Becker Friedman Institute,” Becker Friedman Institute, December 12, 2024, <https://bfi.uchicago.edu/insight/research-summary/cares-impact-on-welfare/>.

¹⁰Trevor and Trevor, “How Much Did the CARES Act Help Households Stay Afloat? - San Francisco Fed,” SF Fed, December 18, 2024, <https://www.frbsf.org/research-and-insights/publications/economic-letter/2021/07/how-much-did-cares-act-help-households-stay-afloat/>.

in an effort to focus on providing aid to low-income households. Such downfalls of the act, however, do not outweigh the positive effect it had on increasing household resilience, approximately from 31 to 46 weeks.¹¹

History of the Correlation Between Natural Disasters and Evictions

Since 1960, the housing crisis in the United States has worsened. Rents in the United States have risen by 61%, while renters' incomes have increased by only 5%. Approximately 10 million low-income households are either homeless or paying unaffordable rent, forcing them to compromise on necessities such as food, transportation, and healthcare. Since 2001, worst-case housing needs—low-income households that pay more than half of their income on rent or live in severely inadequate housing without assistance—have risen by 66%. In 2016, there were 2 million eviction filings, and by 2018, nearly half of all renter households were paying more than 30% of their income on rent, with almost one in five paying over 50% (Joint Center for Housing Studies, 2020).¹²

During and after the pandemic, the situation aggravated. In 2022, a record 22.4 million renter households spent more than 30% of their earnings on rent or utilities, putting them at risk and leaving limited room to save during times of crisis. Among renter households earning less than \$30,000 annually, the median residual income dropped to just \$310 per month, a 47% decline from 2001. While the pandemic-era protections and financial support systems may have temporarily reduced eviction filings, these resources largely expired or phased out, contributing to a rise in housing instability.¹³

¹¹B. BrandonMaya, "The U.S. CARES Act and Household Resilience," Bureau of Labor Statistics, January 7, 2022, <https://www.bls.gov/opub/mlr/2022/beyond-bls/the-us-cares-act-and-household-resilience.htm>.

¹²Mel Wilson and National Association of Social Workers, National Eviction Crisis in the era of the Coronavirus Pandemic, accessed December 4, 2024, <https://www.socialworkers.org/LinkClick.aspx?fileticket=gmNJzUL1BpM%3D&portalid=0>.

¹³Joint Center for Housing Studies of Harvard University, "AMERICA'S RENTAL HOUSING 2024," AMERICA'S RENTAL HOUSING, 2024.

In times of natural or man-made disasters, including public health crises, FEMA provides aid to renters affected by natural or man-made disasters and emergencies. FEMA offers seven types of housing assistance and allows up to 18 months of continued rental support, which can include government-provided homes such as trailers, temporary housing units, or FEMA-constructed housing sites.¹⁴¹⁵

A specific example of a disaster that has brought about an eviction crisis is Hurricane Michael, a Category 5 hurricane that hit Bay County, Florida, on October 10, 2018. The storm severely damaged local housing stock, leaving small-property landlords with few financial resources to make repairs. At the same time, some landlords of larger properties used the disaster as an opportunity to evict tenants and renovate units to raise rents. In response, displaced renters turned to FEMA for support through its 18-month Continued Rental Assistance program, government housing, HUD rental assistance, and other aid. FEMA's long-term support, which made use of the Stafford Act that allows agencies to support individuals displaced by disasters for up to 18 months, contributed to a measurable decline in evictions two years after the disaster.¹⁶

In contrast, the housing crisis of the three-year-long COVID-19 era was met with just one year of federal eviction moratorium protection.¹⁷ Even this difference in the government's responses to different crises highlights the inconsistency in the federal government's protocol. In

¹⁴“Assistance for Housing and Other Needs,” FEMA.gov, February 7, 2025, <https://www.fema.gov/assistance/individual/housing>.

¹⁵“FEMA Continued Rental Assistance,” FEMA.gov, January 21, 2025, <https://www.fema.gov/fact-sheet/fema-continued-rental-assistance>.

¹⁶Tanaya Srini et al., A perfect storm? disasters and evictions, October 13, 2021, https://nlihc.org/sites/default/files/A_Perfect_Storm_Disasters_and_Evictions.pdf.

¹⁷“Covid-19 Pandemic Timeline,” Northwestern Medicine, March 2023, <https://www.nm.org/healthbeat/medical-advances/new-therapies-and-drug-trials/covid-19-pandemic-timeline#:~:text=On%20January%2030%2C%202023%2C%20the,that%20continue%20to%20save%20lives.>

order to better respond to the next emergency crisis, the government must have scalable, long-term housing policies that extend beyond short-lived emergencies.

Alabama Association of Realtors v. Department of Health and Human Services

This case was brought to the court by the Alabama Association of Realtors, along with other plaintiffs, in opposition to the Department of Health and Human Services, the defendant, specifically challenging the Centers for Disease Control and Prevention (CDC). The plaintiff argues that the CDC's national eviction moratorium during the national pandemic exceeds its statutory authority. The 42 CFR § 70.2, initially passed in 1944, grants the authority to implement interstate regulations, including measures like inspection, fumigation, disinfection, sanitation, and so on.¹⁸ But this provision has rarely been invoked and never before to justify an eviction moratorium. The initial eviction moratorium was implemented by the CARES Act, which expired in July 2020. It was followed by multiple extensions, including the extension challenged in this case.

To the plaintiffs, this extension is a violation of the Constitution because the agency lacked statutory authority and caused irreparable harm to the landlords. They claim that §361(a), the Public Health Service Act, only permits 'direct' public health measures to which the CDC's eviction moratorium is deemed indirectly related to interstate infection. The defendant claims that §361(a) grants broad authority to the agency, the CDC, and is deemed a "necessary" measure to prevent the spread of disease. Thus, using §70.2, the CDC argues that it is "necessary to prevent the introduction, transmission, or spread of communicable diseases" between states and foreign countries. It is a legitimate public health measure in the public interest and funded by

¹⁸17"42 CFR § 70.2 - Measures in the Event of Inadequate Local Control.," LII / Legal Information Institute, n.d., <https://www.law.cornell.edu/cfr/text/42/70.2#:~:text=CFR-,%C2%A7%2070.2%20Measures%20in%20the%20event%20of%20inadequate%20local%20control,to%20be%20sources%20of%20infection.>

Congress's \$50 billion in emergency rental assistance, which the government determined to be parallel to the approximate damage, mitigating financial burdens on landlords. The legal question of this case is whether the CDC had the statutory authority under 42 CFR §70.2 and §361(a) to impose a nationwide eviction moratorium.

The U.S. District Court for the District of Columbia ruled in favor of the plaintiffs, holding that the CDC lacked the authority to impose the moratorium, yet stayed its decision pending appeal. The stay was upheld, allowing the moratorium to continue, which the Supreme Court ultimately vacated temporarily. This case resulted in a 5-4 decision; the Court ruled that the moratorium exceeded its statutory authority.

The Supreme Court concluded that the CDC overstepped, as § 361(a) does not explicitly grant the agency the power to impose such broad measures without fault to Congress, as they are expected to speak clearly and precisely when authorizing power to agencies. The decision draws from precedents such as *Utility Air Regulatory Group v. EPA (2014)* and *FDA v. Brown & Williamson Tobacco Corp. (2000)*, which hold that when agencies claim vast economic and political power, Congress must provide clear and explicit authorization. Due to the extent of the economic involvement of the moratorium, the Court determined that the CDC's interpretation was beyond its statutory authority. Additionally, the Court summoned the precedent, *Lindsey v. Normet (1972)* to support this decision with the interference of state-level landlord-tenant laws, traditionally regulated by states, and thereby reiterated the necessity of clear and specific language when altering the power balance between federal and state authorities.¹⁹

The ruling of this case sheds light on the tension between individual rights and public

¹⁹The Alabama Association of Realtors v. Department of Health and Human Service (Supreme Court of the United States August 26, 2021).

health needs that limits the government’s flexibility in responding to such emergencies. It exposes the lack of legislative preparation to grant statutory authority to protect public welfare during a national crisis. In this case, the CDC had no choice but to rely on 42 CFR §70.2 due to the absence of clearer congressional action. While it cannot be disputed that agencies must adhere to statutory limits, the Supreme Court’s decision reflects the need for Congress to act more decisively in authorizing emergency measures.

Finally, the case reflects the ethical question of balancing economic interests and public health. Although legally sound, the decision arguably prioritized property rights over human welfare, as the moratorium protected millions of vulnerable tenants from eviction, preventing widespread homelessness and reducing COVID-19 transmission risks. Thus, the ruling reaffirms the importance of statutory limits, but also highlights the challenges of relying on slow-moving legislative bodies and legal disputes during a crisis. The case underscores the need for more explicit public health statutes to empower agencies like the CDC to act decisively in future emergencies without overstepping their legal boundaries.

Further, the Supreme Court’s ruling highlights the relationship between individual property rights and the government’s responsibility to protect public health. Eviction is both directly and indirectly related to health, as people facing eviction threats are more likely to suffer physical illness, high blood pressure, despair, and anxiety. Eviction often results in housing instability, relocation to subpar housing, crowding, and homelessness, all of which are tied to health threats to both adults and children.²⁰ Further, homelessness has a direct association with the spread of disease, as known from HIV, tuberculosis, hepatitis C, and COVID-19, as

²⁰Abdullahi Tunde Aborode, “Threats of Evictions in the USA: A Public Health Concern,” *Annals of Medicine and Surgery* 82 (September 15, 2022), <https://doi.org/10.1016/j.amsu.2022.104681>.

homelessness contributes substantially to the population burden of disease.²¹ The agencies may be discouraged from implementing necessary measures, and legal disputes like this inhibit the focus on people's lives and prevent the ongoing spread of disease. Justice Breyer's dissent has also presented how there was a downward trend in COVID-19 cases, and the predictions were 'tragically untrue,' and so the court too failed to take into consideration the vicious and changing nature of a pandemic. This decision constrained the future government's authority to implement vital emergency measures and undermined agency authority, leaving public health at significant risk. This sets the precedent for the United States government, which leaves concerns for future pandemic responses and creates a potential chilling effect.

Most importantly, however, the case carries profound implications regarding the government's inability to respond to urgent needs swiftly, flexibly, and effectively during times of crisis. What this case ultimately reveals is not the vagueness of § 361(a), but the inflexible scope of the law that is particularly ill-suited to combat the broad and unpredictable nature of a health crisis. While the statute limits the CDC's authority to a set of interventions, such clarity becomes an obstacle in emergencies that demand fast and unconventional actions, such as halting evictions to prevent mass transmission. Hence, the case demonstrates how legal precision, when outdated, can undermine adequate governance during imminent crises.

Statewide Moratorium Case Studies

Despite the lack of nationwide protection, some states did not remove eviction moratoriums after July 2021. Minnesota, for example, fully ended the eviction moratorium on June 1, 2022, and turned to a gradual transition method. Even after June 1, Brooklyn Center,

²¹Emily Mosites, Laura Hughes, and Jay C Butler, "Homelessness and Infectious Diseases: Understanding the Gaps and Defining a Public Health Approach: Introduction," *The Journal of Infectious Diseases* 226, no. Supplement_3 (October 7, 2022): S301–3, <https://doi.org/10.1093/infdis/jiac352>.

Minneapolis, and St. Louis Park legislated their own notice requirements.²² Minnesota’s statewide coalition, The Homes for All Coalition, was instrumental in advocating for the unique “off-ramp” moratorium: a solution that provided a more comprehensive and more precise set of rules to protect both the landlords and the tenants of Minnesota. As stated on July 14, 2021, landlords could file evictions for material lease violations but not for non-payment of rent. As of August 13, 2021, landlords could terminate leases and not renew leases of tenants behind on rent, and who are ineligible for the COVID-19 ERA. From September 12, 2021, landlords could file for evictions for tenants who are behind on rent but are ineligible for COVID-19 Emergency Rental Assistance, for which a landlord must provide a written notice to the tenant 15 days prior based on nonpayment of rent.²³ Most off-ramp protections ended on October 12, 2021, unless eligible for emergency rental assistance. The off-ramp protection is unique as it avoids the binary, all-or-nothing approach, allowing tenants to stay housed with access to aid, while also allowing landlords to recover from the losses and work with the tenants to provide notice and allow time. It was a balanced policy approach that attempted to protect both tenants and the landlord, working off of each other. Similarly, New Jersey continued their eviction moratorium until December 31, 2021, specifically through programs that made all people eligible if they make less than 120% of the area median income in the county.²⁴ New Mexico continued until October 3, 2021, and New York eviction protection ended on January 15, 2022.²⁵

There are unique cases like California and Seattle that had advanced programs that

²²HOME Line, “Eviction Moratorium Phaseout Information — HOME Line,” June 1, 2022, <https://homelinemn.org/phaseout/>.

²³“Minnesota’s Eviction Moratorium off-Ramp,” National Low Income Housing Coalition, August 30, 2021, <https://nlihc.org/resource/minnesotas-eviction-moratorium-ramp>.

²⁴Ericka Conant, “New Jersey Eviction Moratorium to End in 2022 as Covid-19 Cases Surge,” WHYY, December 31, 2021, <https://whyy.org/articles/thousands-of-households-set-to-lose-protections-as-n-j-eviction-moratorium-ends-jan-1/>.

²⁵LawDistrict Team, “Eviction Moratoriums by State,” LawDistrict, December 12, 2024, <https://www.lawdistrict.com/articles/eviction-moratoriums-by-state>.

brought about more positive results compared to other regions. California ended its eviction moratorium on March 31, 2023. California provided nearly three years of protection, which, like New Jersey, included providing monetary aid to tenants who earn less than 80% of the area's median income. AB 832, the COVID-19 Rental Housing Recovery Act, signed by Governor Newsom, enacted a statewide eviction moratorium that expired on September 30, 2021. Nonetheless, it provided additional money to reimburse 100% of the unpaid rent for landlords. Also, the Housing Is Key program allowed landlords and tenants to apply for assistance. It was a unique program that “assisted over 371,000 households with more than \$4.7 billion in rent and utility assistance during the COVID-19 pandemic.”²⁶ Through the AB-2179 extension, tenants who had submitted rental assistance applications, Housing is Key, were temporarily protected until June 30, 2022. The application closed on April 1, 2022, and the tenants were not evicted due to non-payment of rent while their application was pending. California also had clear rules and dates for rent payments to protect tenants and landlords. For rent due from March 1, 2020, to August 31, 2020, landlords could not evict tenants for non-payment with the provision of the Declaration of COVID-19-Related Financial Distress. For ones that were due from September 2020 to September 2021, tenants were not evicted if they provided the declaration and paid at least 25% of their rent during that period. Lastly, starting in October 2021, tenants were expected to pay full rent if they did not apply for rental assistance, although local emergency ordinances varied. As a result, California’s program has had the largest unified emergency rental assistance program in the nation, which covered about 64% of the state’s population, and the remaining residents were covered by the local emergency rental assistance programs.²⁷ Lourdes

²⁶State of California, “Housing Is Key,” Housing Is Key, accessed December 4, 2024, <https://housing.ca.gov/>.

²⁷ Covid-19 California Eviction Moratoriums (Bans) and Tenant Protections,” www.nolo.com, September 6, 2022, <https://www.nolo.com/legal-encyclopedia/coronavirus-covid-19-california-eviction-bans-and-tenant-protections.htm> l.

Castro Ramirez, Business, Consumer Services, and Housing Agency Secretary, has stated that California worked “in partnership with a local network of 144 culturally competent community-based organizations engaging landlords, legal aid groups, local cities and counties and our federal partners at US Treasury, we collectively helped over one million people in California stay safely and stably housed”²⁸ Hence, California outperformed other states by implementing a long-term, well-funded, and clearly phased eviction protection plan, especially with its “Housing Is Key” program covering over 64% of the population, with extensive community outreach and administrative cooperation and coordination.

Seattle’s eviction moratorium continued until January 15, 2022, through Executive Order 2021-07 by Mayor Jenny A. Durkan. This order not only extends the moratorium but also modifies additional COVID-related relief measures regarding utility assistance. Mayor Durkan has stated that as the first major city impacted by the COVID-19 outbreak, Seattle was able to maintain “the lowest cases, hospitalizations, and deaths of every major city...by establishing and continuing one of the first in the nation moratoriums on evictions to keep families safe.”²⁹ Furthermore, the unexpected rise of the delta variant of this moratorium extension ensures “every level of government can provide rental assistance and housing support to tenants and landlords, which is critical to stabilizing the community as we reopen and recover.” Beyond that, Seattle

²⁸State of California, “‘this Program Was Truly a Blessing’: Facts from California’s Nation-Leading \$4 Billion State Rent Relief Program,” Governor of California, June 17, 2024, <https://www.gov.ca.gov/2022/07/01/this-program-was-truly-a-blessing-facts-from-californias-nation-leading-4-billion-state-rent-relief-program/#:~:text=California’s%20program%20is%20the%20largest,assistance%20programs%20covering%20the%20rest>.

²⁹Seattle Human Services, “Mayor Durkan Announces January 15, 2022 Extension of Eviction Moratorium and Continuation of Additional COVID-Related Protections - Bottom Line,” Bottom Line, December 8, 2022, <https://bottomline.seattle.gov/2021/09/21/mayor-durkan-announces-january-15-2022-extension-of-eviction-moratorium-and-continuation-of-additional-covid-related-protections/>.

requires landlords to provide payment plans and restricts late charges and interest.³⁰ Likewise, the Seattle Times has reported that 60,000 Seattle area renters were behind rent, which the city has distributed more than \$15 million of the first allocation of American Rescue Plan rent relief, including 100% of funds for United Way King County and income-restricted affordable housing and the rest \$6 million for BIPOC communities. The executive order prohibited landlords from initiating evictions and encouraged them to offer flexible payment plans, but the tenants were also legally obligated to pay rent during this period. There was extensive assistance for small businesses and nonprofit organizations. As a result, Ordinance 126075 took effect upon the expiration of the moratorium, which provided an additional 6-month period for tenants to claim a defense against non-payment eviction due to financial hardship caused by COVID-19 through mid-June 2022.³¹ Seattle's moratorium exemplified a model for urban crisis solution that strengthens tenant protections and rental assistance access.

The District of Columbia also implemented a permanent eviction ban, going beyond temporary relief, that bars landlords from filing evictions against tenants who owe less than \$600. Mel Zahnd, a senior staff attorney in the Housing Law Unit, speaks on how records of eviction cases, even if the tenants do not end up being evicted, “prevent those people from finding new housing in the future.”³² A 2020 report from Georgetown University claimed that in 2018, 12% of households called to D.C. Superior Court owed less than \$600.³³ This sets a higher standard for

³⁰“Seattle’s COVID Eviction Moratorium Extended Into January 2022,” The Seattle Times, September 21, 2021, <https://www.seattletimes.com/seattle-news/politics/seattles-covid-19-eviction-moratoriums-extended-into-january-2022/>.

³¹Kamaria Hightower, “Mayor Durkan Announces January 15, 2022 Extension of Eviction Moratorium and Continuation of Additional COVID-Related Protections,” Office of the Mayor, September 21, 2021, <https://durkan.seattle.gov/2021/09/mayor-durkan-announces-january-15-2022-extension-of-eviction-moratorium-and-continuation-of-additional-covid-related-protections/>.

³²Amanda Michelle Gomez, “DC Council Passes Major Housing Bill, a Win for Tenants,” DCist, March 4, 2022, <https://dcist.com/story/22/03/01/dc-bans-evictions-over-unpaid-rent-under-600/>.

³³Samantha Sinutko, “Gu Report Highlights Predatory DC Eviction Practices,” The Hoya, October 29, 2020, <https://thehoya.com/news/gu-report-highlights-predatory-dc-eviction-practices-2/>.

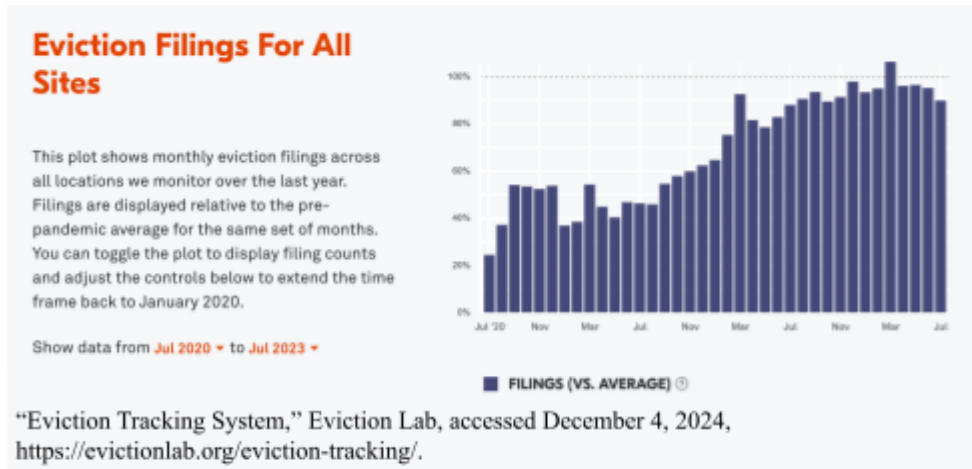
landlord accountability and addresses the lasting harm that the tenants might experience. Moreover, this bill has greater impacts than simply banning evictions for modest sums of unpaid rent. It requires landlords to hold valid rental registration and licensing to file evictions, notify, at least 30 days in advance, a tenant of the plans to file evictions over nonpayment, provide photographic evidence of the court-issued proof of notice, and tell prospective tenants about the screening process prior to requesting fees or information. It also instructs the D.C. Superior Court to dismiss eviction filings if landlords do not follow necessary steps and seal eviction records 30 days after a case ends if the landlord loses or three years if the landlord wins.³⁴ Thus, D.C.'s approach allows a more transparent and regulated eviction process that takes into consideration the tenants' long-term accessibility of housing.

The eviction moratorium has expired in New York, yet it took a more layered approach. Any renter who has an application for rent relief pending in the state of New York cannot be evicted. On January 15th, 2022, eviction protection for New York City residents ended, including for those who filed a Hardship Declaration. However, protections still apply to New York City residents if their Hardship Declaration is still processing. Housing Justice for All, a statewide coalition of organizations representing low-income tenants and homeless New Yorkers, announced that while the pandemic caused “over one million households to be out of work and behind on rent, [with] over 92,000 New Yorkers are living in shelters or on the streets with no relief in sight”³⁵, they were able to earn a \$2.4 billion rent relief program. Despite these efforts, eviction filings have surged since 2022, after the protection ended.³⁶ There are measures

³⁴Gomez, “DC Council Passes Major Housing Bill, a Win for Tenants.”

³⁵Cea Weaver, “We Won a Strong Rent Relief Program, but More Must Be Done to Protect Tenants and Homeless New Yorkers: Housing Justice for All Responds to State Budget,” Housing Justice for All, May 6, 2021, <https://housingjusticeforall.org/we-won-a-strong-rent-relief-program-but-more-must-be-done-to-protect-tenants-and-homeless-new-yorkers-housing-justice-for-all-responds-to-state-budget/>.

³⁶“Evictions Filings in New York Increase,” LawDistrict, July 4, 2023, <https://www.lawdistrict.com/articles/new-york-eviction-notice-filings-surge-after-protections-end>.



such as the Tenant Safe Harbor Act and Emergency Rental Assistance Program, which requires tenants to prove that the pandemic caused financial problems, after the moratorium within the period from March 2020 to January 2022. These specific programs were also targeted at protecting many tenants and further avoiding any malingering. Hence, New York’s eviction moratorium was long-term and precise, aiding with rigid standards. Between November 2021 and April 2022, there was approximately a 40% increase in filings, which is highly concerning as 17.6% of renters have rent that is due in the state of New York.”³⁷ Therefore, while New York had a notably long-term and carefully structured support system for tenants in genuine need, the post-moratorium surge in filings underscores the limits of even well-designed protections. This applies to other states as well. Even the most well-designed protections are state-wide, and with the exception of certain states, the national eviction surge reveals the limited support and non-ideal outcomes.

Evaluating Challenges: Consequences of a Disjointed Eviction Response

The most apparent challenge is the strong divide between the state and federal

³⁷ “Eviction Tracking System,” Eviction Lab, accessed December 4, 2024, <https://evictionlab.org/eviction-tracking/>.

governments. The renter-landlord relationship is a power held by the state, although federal agencies are the operators of eviction moratorium policies. As such, the CDC's attempt to extend the nationwide eviction moratorium failed due to the government's decision that the CDC exceeded its authority, and there was a lack of clarity and specificity in the extended moratorium proposed.

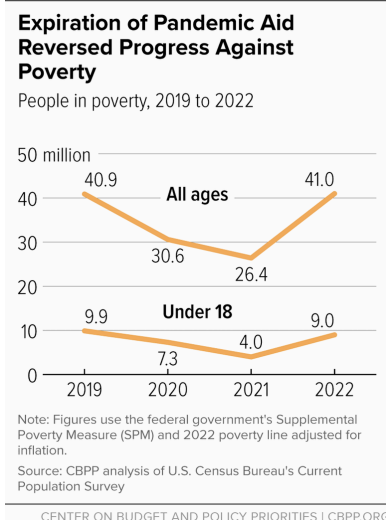
Since the federal eviction moratorium ended in 2021, there has been a great rise in eviction filings relative to before the pandemic and when the federal eviction moratorium was still effective. The eviction filings have risen incomprehensibly, peaking in March of 2023, which reveals the long-term damage and continuation of evictions when protective measures are stripped away. Despite the state policies, there were great discrepancies in the state and federal policy operations. A few states took extensive measures after the CDC eviction moratorium ended. California took one of the most supportive measures, as its moratorium lasted three years and cost \$4 billion. Minnesota also took a careful approach by using a phase-out method to prevent abrupt expiration for people who need support. Seattle also supported the tenants in the city until January 2022, with extensive collaboration between countless organizations and a focus on specific groups of people and regions. The District of Columbia also implemented thorough eviction bans to protect tenants, as did the state of New York, with \$2.4 billion in aid.

Eviction has various adversities that come along with it, as it not only increases homelessness in regions, which is strongly associated with hygienic problems, but also leads to a decline in financial health and credit scores. According to Yale University researchers, it even increases the number of hospital visits. The health concerns begin even before the tenants leave

their homes.³⁸ According to the Boston University School of Public Health, tenants facing eviction are likely to report poor health: high blood pressure, depression, anxiety, and psychological distress. This eventually leads to physical weakness, as eviction causes people to move into poor-quality housing with overcrowding or simply become homeless, which harms both adults' and children's health.³⁹ Furthermore, a study by the National Library of Medicine has proven that the expiration of the eviction moratorium has an association with “increased COVID-19 incidence and mortality, supporting the public-health rationale for eviction prevention to limit COVID-19 cases and deaths.”⁴⁰ A brief from the Robert Wood Johnson Foundation has concluded that the eviction crisis requires a multipronged policy approach in the long term, such as “financial assistance to renters; expanding legal protections for tenants; and increasing the scale of federal affordable housing and rental aid programs.”⁴¹

At the same time, overall poverty peaked in 2022.

Notably, the poverty rate had reached a record low of 8.0% in 2021. After the eviction moratorium expired, it rose sharply to 12.4%, suggesting a potential correlation between the end of eviction protections and the increase in poverty. The poverty population, which had declined by 14.5 million between 2019



³⁸Winnie van Dijk, “Eviction and Poverty in American Cities,” Tobin Center for Economic Policy, February 2024, <https://tobin.yale.edu/research/eviction-and-poverty-american-cities#:~:text=Evictions%20increase%20homelessness%2C%20reduce%20tenants,employment%20outcomes%20following%20an%20eviction.>

³⁹John Kane and Cynthia Gordon, “The Hidden Health Crisis of Eviction,” SPH The Hidden Health Crisis of Eviction Comments, October 5, 2018, <https://www.bu.edu/sph/news/articles/2018/the-hidden-health-crisis-of-eviction/>.

⁴⁰Kathryn M Leifheit et al., “Expiring Eviction Moratoriums and Covid-19 Incidence and Mortality,” American journal of epidemiology, December 1, 2021, <https://pmc.ncbi.nlm.nih.gov/articles/PMC8634574/>.

⁴¹Desmond M Himmelstein G, “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic,” RWJF, January 20, 2023, <https://www.rwjf.org/en/insights/our-research/2021/04/eviction-and-health-a-vicious-cycle-exacerbated-by-a-pandemic.html>.

and 2021, surged by the same amount in 2022. The expiration of pandemic-era relief measures reversed much of the government's progress in supporting vulnerable populations during the crisis. Most strikingly, child poverty saw a historic rise in 2022, with 5 million more children living in poverty compared to the previous year.⁴² These poverty measures reveal the importance of an eviction moratorium as a tool to protect people susceptible to growing poverty; as such, low-income households are the most vulnerable population to poverty and homelessness, who need federal protection in times of national emergency.

Conclusion: Proposed Reforms and Solutions

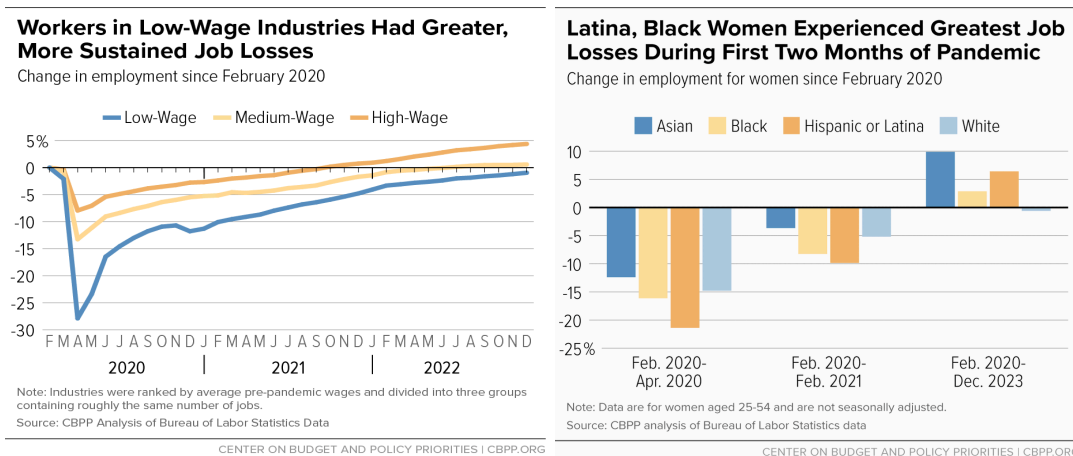
This is not to call for a complete abolition of eviction. In fact, the legal process of eviction serves to protect both landlords and tenants. However, in times of public health crises, alternative legal mechanisms must be in place to adjust the terms of eviction, taking into account both contractual obligations and the evolving status quo. When COVID-19 broke out, the U.S. government's response fell short, primarily because it failed to anticipate the prolonged nature of the crisis. While such disasters occur unpredictably and with varying severity, this shortcoming highlights the need for proactive planning to better support the public in the face of future emergencies.

First and foremost, the federal government, particularly Congress, should collaborate with national agencies such as the CDC and FEMA to establish clearer statutory guidelines for eviction moratoriums during emergencies. Rather than operating in silos, government entities must work together to develop comprehensive and adaptable solutions. While regional flexibility

⁴²“Tracking the COVID-19 Recession’s Effects on Food, Housing, and Employment Hardships,” Center on Budget and Policy Priorities, January 8, 2021, <https://web.archive.org/web/20210114162754/https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>.

is necessary to address local needs, drastic variations in policies can create inequities, preventing some people from accessing the most effective assistance programs. For instance, the lack of coordinated federal guidance contributed to the legal susceptibility of the CDC’s moratorium in *Alabama Association of Realtors v. Department of Health and Human Services*.

Additionally, expanding funding for similar programs and streamlining application processes can help reduce housing instability. The expansion of funds can not only increase the financial budget but also grant more entities the authority and ability to provide funding. It empowers the right institutions—state housing agencies and government, local governments, and trusted community organizations—to administer aid efficiently and equitably, catering to specific communities. When more entities are appropriately resourced and authorized to help, they can potentially present a viable loss recovery for landlords while also tailoring assistance to reach the more vulnerable and marginalized populations that face disproportionately higher risks during such crises, as shown in the graphical data below.



Both figures reveal that minority groups—specifically Latina and Black women (left) and low-wage earners (right)—struggled to recover from job losses during the COVID-19 era. Data from the Eviction Tracking System by Eviction Lab indicates that the long-term effects of

eviction-related losses for both tenants and landlords can extend beyond three years, underscoring the need for continued support to both parties in order to prevent legal disputes. Additionally, according to the Center on Budget and Policy Priorities, although the economic recovery was stronger and faster than initially projected, it only returned to pre-pandemic levels by the end of 2023. Job creation exceeded expectations, and overall economic activity slightly surpassed pre-pandemic projections.⁴³

Last but not least, reformed policies should take into consideration the unpredictable nature of emergencies and ensure flexibility. In the case of COVID-19, the federal Public Health Emergency (PHE) was declared in March 2020 and officially ended on May 11, 2023.⁴⁴ However, the eviction moratorium barely extended beyond 2021. This misalignment between the timeline of the crisis and the support policies meant to mitigate its impact reflects a fundamental flaw. While eviction moratoriums should not be indefinite or lacking in clear endpoints, there must be predefined guidelines enabling both individuals and governments to respond swiftly and effectively to emergencies. One solution could be to implement a phased approach: provide eviction protection for a minimum of three years, followed by structured local and state follow-up. Such an approach would help ensure compliance, protect vulnerable tenants, and prevent sudden surges in eviction filings that could destabilize communities and pose public health risks.

In conclusion, natural disasters come and go, leaving scarring aftermaths, one of which is a sudden rise in eviction filings. To protect both the landlords and the tenants during such times, the government must prepare and implement reformed eviction moratorium policies

⁴³Center on Budget and Policy Priorities. 2023. "Tracking the Recovery from the Pandemic Recession." Center on Budget and Policy Priorities. April 13, 2023.

<https://www.cbpp.org/research/economy/tracking-the-recovery-from-the-pandemic-recession>.

⁴⁴"End of the Federal COVID-19 Public Health Emergency (PHE) Declaration | CDC." 2024. Archive.cdc.gov. April 5, 2024. https://archive.cdc.gov/www_cdc_gov/coronavirus/2019-ncov/your-health/end-of-phe.html.

through collaborative efforts that address both immediate and long-term needs, ensuring an effective and equitable response to future crises. Without a proper reform of the status quo, the next national emergency will bring about yet another vicious cycle of a disaster followed by an eviction crisis.