

Federal Judge Strikes Down CDC Eviction Moratorium

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On Wednesday, May 5, 2021, Judge Dabney Friedrich of the U.S. District Court for the District of Columbia ruled that the residential eviction moratorium was unlawful as it was beyond the authority of the United States Centers for Disease Control and Prevention (CDC) to impose such a moratorium. The ruling was immediately appealed by the Department of Justice, and Judge Friedrich stayed the ruling pending the appeal.

Judge Friedrich's ruling results in an increasingly conflicted body of case law with two prior district courts upholding the moratorium, but certain state courts ruling otherwise. For now, however, the moratorium will stay in place.

On March 28, 2021, the CDC extended the moratorium until June 30, 2021. The expert consensus is that the moratorium is not likely to be further extended significantly. Once lifted, there will likely be significant residential eviction filings in Florida county courts.

As the foregoing demonstrates, the law on residential eviction continues to remain in flux due to COVID-19 regulations. Consequently, residential landlords should stay apprised of the changing legal landscape by consulting their attorneys on the current status of eviction moratoriums in their local area.

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