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Congress of the United States
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POLICY

SUBCOMMITTEE ON THE ENVIRONMENT

May 18, 2021

Rochelle P. Walensky, MD, MPH
Office of the Director
Centers for Disease Control and Prevention
1600 Clifton Road, NE
Atlanta, GA 30333

Dear Dr. Walensky,

First, congratulations on your appointment to lead the Centers for Disease Control and Prevention. During this global health crisis, your record and early tenure as the Director of the CDC has been very welcomed. We are writing today with concerns regarding the CDC eviction moratorium and a request for strengthening it to ensure renters in Missouri's First Congressional District and districts all across this country can remain safely housed for the duration of this pandemic. We applaud your efforts to implement and extend this critical moratorium in the face of virulent opposition and mounting political pressure.

The recent ruling by U.S. District Judge Dabney Friedrich to vacate the CDC order is a stark reminder of why we continue to fight for these protections at the local, state, and federal levels. We are relieved that the moratorium will remain in place while litigation is pending, and are grateful the Department of Justice has moved swiftly to file an appeal. Given our shared commitment to mitigate the spread of COVID-19, we are dedicated to ensuring that people remain safe and sheltered throughout the duration of this global health crisis.

As you know, Black and brown communities have been disproportionately impacted by the global pandemic due to the compounding effects of wage, housing, and health discrimination. Communities across the country have benefited from the federal moratorium. According to the Consumer Financial Protection Bureau (CFPB), an estimated 9 million people are behind on their rent and at risk of eviction¹. The impact of the federal moratorium cannot be understated. In fact, eviction filings in St. Louis drastically decreased from 1,127 in February 2020 to 126 in

¹<https://www.consumerfinance.gov/about-us/newsroom/cfpb-rule-clarifies-tenants-can-hold-debt-collectors-accountable-for-illegal-evictions/>

April, an almost 90 percent reduction.² In the absence of federal protections against evictions between July and September, a total of 1,178 evictions were filed in St. Louis between July and August. It is abundantly clear federal moratoriums on evictions have saved countless lives by allowing people to remain in their homes and minimize the spread and impact of COVID-19.

Despite the CDC's federal moratorium, tens of thousands of people across the United States still risk being evicted from their homes due to loopholes in the policy and misinformation. The federal moratorium applies to individuals earning less than \$99,000 annually, or \$198,000 for couples. The CDC moratorium only extends protections for issues of non-payment and does not protect people being removed from their home for reasons such as noise complaints and lease expirations. Landlords have exploited existing loopholes within local, state, and federal eviction moratoria to evict thousands of people, despite the ongoing threat of this pandemic.

Furthermore, the protections offered by the CDC moratorium are not automatic. Eligible renters must proactively seek out and sign a declaration under penalty of perjury that they must provide to their landlord or the courts in order to be protected from eviction. This requires that people fully understand their rights under the CDC moratorium, which many do not. Adding to the confusion is that municipalities across every state can, in effect, establish guidance that varies from one jurisdiction to the next.

It is for these reasons that we write to you in hopes that Congress can work with the CDC to strengthen the federal moratorium to ensure every person in America can be protected from eviction during this ongoing public health emergency. Following close partnership with national and local advocacy organizations like the National Low Income Housing Coalition³, we propose the CDC do the following:

1. **Establish a universal moratorium for the duration of the global health emergency.** The new order should remain in place until the global health crisis is over. Establishing a more expansive deadline for ending the protections will help ease the confusion, fear, and uncertainty felt by millions of renters still recovering from the ongoing economic and health crisis. Furthermore, the new order should cover all tenants without requiring them to “apply” for the protection, and 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. Undocumented people are at an especially higher risk of eviction because they fear detention or deportation when applying for this protection. If the declaration requirement remains, all landlords must be required to notify their tenants of the order and to attest that they have not received a declaration when filing an eviction action.
2. **Apply the order to all stages of the eviction process.** A new order should explicitly bar all stages of the eviction process including notice, filing, hearing, judgment, and physical eviction. Because evictions are not allowed until the moratorium expires, the only

²<https://evictionlab.org/eviction-tracking/st-louis-mo/>

³<https://nlihc.org/>

purpose for allowing landlords to file eviction proceedings is to give landlords the power to pressure, scare, or intimidate renters into leaving their homes.

3. **Expand the order to cover all eviction processes.** The new order should clarify that it covers all evictions including no fault evictions and evictions at the end of the lease term. We recommend extending the order's reach beyond non-payment evictions to minimize the spread of COVID-19. It is essential that individuals and families remain in their homes through the duration of this public health emergency, and until a majority of the U.S. has been vaccinated. A narrowly construed exception for serious health and safety violations should be the only exception to the moratorium.

Recently, the CFPB issued a rule both clarifying that tenants be notified of their rights and mechanisms for enforcing the eviction moratorium. While we are encouraged by this change, we strongly urge you to implement additional expansive measures in the interest of curbing the spread of COVID-19. We must remain vigilant and steadfast in our commitment to protecting the health and safety of our communities. The Biden administration has worked diligently to ensure widespread vaccinations, and today nearly 160 million adults over age 18 have received at least one dose of a vaccine.⁴ This is tremendous progress, but there is still much work to be done to expand vaccine uptake, mitigate the spread of a virus that continues to claim lives daily, increase employment, and ensure that direct cash relief we provided as part of the American Rescue Plan makes its way into the hands of regular, everyday people—particularly Black and brown communities that have been hardest hit by the pandemic and economic crisis.⁵ We have a long way to go before we relax federal restrictions on evictions.

Thank you for your prompt attention to this matter. We look forward to working in collaboration with the CDC to ensure all people, especially our most vulnerable communities, are protected from evictions during this unprecedented public health emergency.

Sincerely,

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⁴<https://covid.cdc.gov/covid-data-tracker/#vaccinations>

⁵<https://covidvaccine.mo.gov/data/>

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