



December 15, 2020

President-Elect Joseph R. Biden

Dr. Rochelle Walensky
Incoming Director
Centers for Disease Control and Prevention (CDC)
Current Chief, Division of Infectious Diseases
Massachusetts General Hospital

To President-Elect Biden & Incoming Director Walensky,

We are writing to urge you to take immediate action to protect tens of millions of American families and prevent an unprecedented wave of evictions by directing the Center for Disease Control (CDC) and US Department of Justice to immediately enhance, extend, and enforce the federal eviction moratorium issued by the CDC; enact a nationwide moratorium on utility shut-offs; and work with Congress to implement long-lasting housing protections that extend beyond the pandemic crisis to ensure general well-being and an equitable economic recovery for working people across the country.

Our communities are facing unprecedented public health, economic, and housing crises. Decades of public health data demonstrate that access to stable, safe and affordable housing is critical for health and well-being.¹ As of December 11, 2020 more than 15 million people in the United States² were infected with COVID-19 and more than 290,000³ people have died. Ten million people were unemployed; 4 in 10 of those unemployed have been jobless for more than 27 weeks.⁴

At home, millions of people experience mounting debt. It is estimated that renters will face a total of \$70 billion in rent arrears by January,⁵ many with no ability to pay as the economy continues to slow with the recent COVID-19 spike. There are 13.4 million households with children,⁶ and roughly 4 in 10 of these households with children report they have slight or no

¹ <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/full/>

² https://covid.cdc.gov/covid-data-tracker/index.html#trends_totalandratedcases

³ https://covid.cdc.gov/covid-data-tracker/index.html#trends_totalandrateddeaths

⁴ <https://www.bls.gov/news.release/pdf/empisit.pdf>

⁵ <https://www.washingtonpost.com/business/2020/12/07/unemployed-debt-rent-utilities/>

⁶ <https://data.census.gov/cedsci/table?q=housing%20tenure%20children&tid=ACSDT1Y2019.B25012&hidePreview=false>

confidence they can pay next month's rent.⁷ Such an impact on school aged children and youth would exacerbate infection rates and deepen the psycho-social impacts of evictions across schools and neighborhoods with untold effects over time.

Evictions have immediate and devastating health impacts. In states where eviction protections lapsed, a new study estimates that 433,700 excess individuals have contracted COVID-19, and 10,700 people have died from the virus.⁸

Even before the pandemic, lack of basic information about tenant rights, legal support, and historic racial inequities in our housing system have put Black, Indigenous, people of color, and low-income people at a disadvantage to find and maintain stable housing. It is no surprise today that Black, Indigenous, people of color, and low-income households bear the greatest burden of this pandemic, experiencing the highest rates of COVID-19 infections, including those caused by the highest rates of housing insecurity.⁹

Stopping the additional impending tidal wave of evictions and prioritizing housing stability during and beyond the pandemic is a crucial matter of economic and racial justice, and must be enacted immediately as part of a broad, comprehensive approach to the public health and economic crises we face.

A universal and comprehensive eviction and utility shut-off moratorium that eliminates the burden on renters to apply and is backed by enforcement on behalf of the Department of Justice is imperative to any effective public health policy and is the most immediate solution to maintain the stability and health of millions of renters and will lead to fewer infections in our communities.

Therefore, we urge your administration to immediately enact the follow executive policies on your first day in office:

1. **Enhance and extend the existing CDC eviction moratorium, which expires December 31st, 2020.** In order to meaningfully address the housing crisis, the eviction moratorium must cover all tenants, in all types of housing units, and include all parts of the eviction process. The moratorium must be amended to:
 - a. Extend the effective date from December 31st, 2020 to 90 days beyond the termination of the federal emergency declared on March 13th, 2020.
 - b. Rescind the Frequently Asked Questions (FAQ) document issued by the CDC on October 9th, 2020, which creates the appearance of loopholes in the moratorium's protections.
 - c. Remove the requirement for a written declaration of need from tenants. This moratorium applies to any residential tenant.

⁷ https://www2.census.gov/programs-surveys/demo/tables/hhp/2020/wk19/housing2b_week19.xlsx

⁸ https://papers.ssrn.com/sol3/Papers.cfm?abstract_id=3739576

⁹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3736457

- d. Include guidance to halt sweeps of encampments in the moratorium, as recommended by the CDC.¹⁰
 - e. Clarify that landlords cannot initiate eviction procedures during the COVID-19 crisis, and that the moratorium applies to all stages of the eviction process including notice, filing, hearing, judgment, and physical eviction.
 - f. Clarify that the moratorium covers all evictions, including no fault evictions and evictions at the end of lease term.
 - g. Remove the affirmation of evictability based on other, non-payment reasons.
 - h. Clarify that eviction judgments entered during the moratorium effective dates will not be enforceable.
 - i. Prevent courts from issuing new eviction orders for proceedings that are already in motion; as well as halt or make defunct any eviction proceedings initiated from the original moratorium effect date.
 - j. Prohibit the accrual of interest, fees, fines, and other debt related to rental nonpayment for the duration of the COVID-19 crisis.
 - k. Clarify that - on a permanent basis - rent debt accrued during COVID-19 crisis does not constitute grounds for eviction, even once any policies related to an eviction moratorium end.
 - l. Prohibit evictions for non-payment of utilities.
 - m. Prohibit any reporting of tenants for nonpayment to credit bureaus and other landlords, as any protected nonpayment of rent from being used as a factor in any future rental applications.
 - n. Require that if a landlord seeks rent payment, they must also notify tenants of the moratorium.
 - o. Dedicate resources to a public awareness campaign to ensure tenants are aware of the moratorium and its provisions.
2. **The CDC should enact an immediate, nationwide moratorium on the shut-offs of electricity, water, broadband, and all other essential utilities.** Utilities are essential to public health and the ability to work and care for families. We need a robust nationwide moratorium on all utility shut-offs, reinstatement of disconnected services, waiver of late-payment fees, and forgiveness of all bills for low-wealth households for the duration of the emergency and an extended grace period. While some state regulators and power providers have already instituted moratoria on electricity shut-offs, this must be extended across the country in one consistent policy.
3. **Prioritize Department of Justice resources to enforce the moratorium.** The Deputy Attorney General should oversee active implementation of the moratorium and make enforcement of the moratorium a priority of the U.S. Attorney's offices in each state, to include issuing of criminal fines and penalties already authorized in the existing moratorium. In addition, activities would include:

¹⁰<https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html#facility-encampments>

- a. Coordination between the Department of Justice and the Department of Health and Human Services to monitor compliance with the moratorium and direct Health and Human Services to partner with state and local authorities to implement the moratorium, pursuant to 42 USC 243.
- b. Issue guidance to local law enforcement ordering them not to carry out evictions.
- c. Create a hotline for tenants to report any landlord violation of the moratorium order.

Finally, while an enhanced, enforceable, and extended eviction moratorium will safeguard families against the worst impacts of the crisis now, it is not a long-term solution to the housing crisis that the COVID-19 pandemic has only worsened. We call on the incoming Biden Administration to create long-term solutions that ensure equitable economic recovery from the pandemic. Upon arrival, the administration should adopt the policy platform detailed in the [National Housing Justice Platform](#)¹¹ and guide the swift implementation of universally canceling rents, mortgages, and utility debt with Congress as flagship policies on the road to equitable economic recovery, and assist state and local governments to that end.

Respectfully,

The undersigned organizations

Right to the City Alliance
Human Impact Partners

¹¹ www.housingjusticeplatform.org