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Watch: NCLA Video Shows the Housing Providers Hurt by CDC’s Unlawful Eviction Moratorium

Rick Brown, et al. v. Secretary Xavier Becerra, et al.



Photo: Rick Brown stands in front of one of his rental properties

Washington, DC (June 11, 2021) – “Emotionally, it’s been trying. Physically, you lose sleep. You’ve got bills to pay. You have obligations,” explains NCLA client Rick Brown in a [video](#) released today by the New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group. Mr. Brown is the lead plaintiff in the lawsuit, *Rick Brown, et al. v. Secretary Xavier Becerra, et al.*, challenging the ongoing nationwide eviction moratorium ordered by the Centers for Disease Control and Prevention (CDC) last September. The unlawful order, meant to curb the spread of Covid-19, has hit mom-and-pop housing providers across the country particularly hard, as they struggle to pay the mortgages and taxes related to their rental properties. The video features Mr. Brown and Mrs. Sonya Jones, two plaintiffs who are owed tens of thousands of dollars in unpaid rent.

NCLA argues that the eviction moratorium far exceeds the constitutional and statutory limits of CDC’s authority. The agency’s radical and unprecedented interference with access to state courts has deprived Americans across the country of their constitutional right to resolve their legal disputes in court.

NCLA is asking the U.S. Court of Appeals for the Eleventh Circuit to reverse a [decision](#) by the U.S. District Court for the Northern District of Georgia. In the months after the district court’s decision, multiple federal courts have set aside CDC’s order as unlawful. NCLA’s lawsuit is currently pending review in the Eleventh Circuit, and it could be the first to have a nationwide effect. The Court has jurisdiction to enjoin the CDC, which is headquartered in the Eleventh Circuit, from enforcing or extending the eviction order nationally.

Excerpts from the video:

“My clients are mom-and-pop landlords. They have a few properties. They use this as their income. This is their business. This is their livelihood. One of the most outrageous aspects of the CDC’s eviction moratorium order is

that it does not stop foreclosures and it doesn't apply to banks. And once that property goes into foreclosure, the bank is allowed to foreclose on the mortgage and evict the tenant. The CDC order doesn't actually solve any problems. It doesn't prevent evictions. It just puts the problem squarely on the shoulders of property owners.”

— **Caleb Kruckenberg, Litigation Counsel, NCLA**

“Evicting people is a very painful situation for the landlord because you do not want to put anybody on the street. You want to try to work with these people. These are human beings. But we are running a business here. I don't think I'll get my money back. I might get some of it, but a very small amount of it. I want my day in court.”

— **Rick Brown, Plaintiff, *Rick Brown, et al. v. Secretary Xavier Becerra, et al.***

“When I found out about the moratorium, I was shocked that they could take possession of my property. I took the tenants to court. One of the first things [the tenants] said was they couldn't work because of Covid, and the judge said, ‘That's it, they can stay until December 31st.’ When I asked him how I was supposed to pay my taxes, he said, ‘That is not my problem.’”

— **Sonya Jones, Plaintiff, *Rick Brown, et al. v. Secretary Xavier Becerra, et al.***

For more information about this case visit [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights.

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