

Millions face loss of their homes in wake of US Supreme Court ruling overturning eviction moratorium

Chase Lawrence, Barry Grey
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On Thursday night, the US Supreme Court overturned the national moratorium on evictions of renters put in place as a pandemic relief measure. The six-to-three ruling, with the right-wing bloc solidly aligned against the nominally liberal minority, upheld an emergency petition brought by realtors' groups in Alabama and Georgia to terminate an extension of the eviction ban enacted by the Centers for Disease Control and Prevention (CDC) early this month following the July 31 expiration of a prior ban.

The right-wing majority on the court had already signaled its intention to terminate the eviction ban, which, in any event, was slated to expire on October 3. Under conditions of an out-of-control pandemic, surging housing costs and consumer prices, and the expiration of federal unemployment benefits set for early September, the ruling by the unelected court marks a dramatic escalation of the class war policies being pursued by the corporate-financial oligarchy and all of its official institutions and parties.

The Center on Budget and Policy Priorities estimates that the number of adults living in households that are behind on their rent could exceed 11 million.

According to data from a Census Bureau survey, 6 percent of renters nationwide—more than 3.5 million people—say they are unable to pay their full rent due to the pandemic and are “likely” or “very likely” to face eviction. In several Southern and Midwestern states, including Missouri, North Carolina and Louisiana, almost one in five renters say they are worried about getting evicted.

The *Wall Street Journal* bluntly summed up the situation in an article headlined, “Renters Prepare for Eviction After Supreme Court Ruling.” It explained that landlords, with the exception of those in a handful of states and cities that have their own restrictions, can

immediately go to court to obtain evictions for unpaid rent. In most courts, delayed eviction cases will now go forward. In others, already approved evictions will now be carried out by marshals and sheriffs.

The savagery of the ruling was underlined by its being carried out under an expedited “shadow docket” procedure that omits oral hearings, does not require signed opinions and, in general, curtails standards generally associated with due process.

The majority opinion, unsigned, declared that the CDC was overreaching its legal powers by ordering the eviction ban on public health grounds, citing the increased risk of COVID-19 infections and deaths resulting from a surge in homelessness. The ruling said the moratorium could not be maintained without congressional action.

The dissent, authored by Justice Stephen Breyer, denounced the use of the “shadow docket” procedure to decide such a socially consequential matter and cited the explosive spread of the pandemic with the proliferation of the Delta variant. He essentially argued that it was an inopportune time to terminate the eviction ban, writing: “The public interest strongly favors respecting the CDC’s judgment at this moment, when over 90 percent of counties are experiencing high transmission rates.”

The Biden White House, which had been prepared to accept the expiration of the eviction ban at the end of July and has made clear it will not seek to extend the federal unemployment benefit, signaled that it would not fight the court ruling. It and the Democratic Party are focused on forcing millions of unvaccinated children and hundreds of thousands of teachers into unsafe schools, even as infections and deaths hit new highs, rising most rapidly among school-age children.

White House Press Secretary Jen Psaki told reporters on Thursday that the administration would not seek to pass

legislation to block evictions, and instead would seek to facilitate the distribution of \$46.5 billion that had previously been appropriated to aid distressed renters and homeowners. The Treasury Department reported on Wednesday that only some \$5.1 billion of this money had actually been disbursed by states and localities as of the end of July. Entire states, including New York, have not distributed a penny in renter relief funds.

House Speaker Nancy Pelosi similarly said the Democratic-controlled House of Representatives would seek to expedite the flow of rental-aid funds and said nothing about reinstituting a halt to evictions.

Even were the entire amount allocated to be immediately disbursed, it would be a drop in the bucket compared to the depth of the housing crisis. Responding to the court ruling, President and CEO of the National Low Income Housing Coalition (NLIHC) Diane Yentel said the result would be “millions of people losing their homes this fall and winter, just as the Delta variant ravages communities and lives.” She added that “evictions further burden overstretched hospital systems and make it much more difficult for the country to contain the virus. Evictions have been shown to increase the spread of, and potentially deaths from, COVID-19.”

According to an NLIHC report released in July, titled “Out of Reach 2021: The High Cost of Housing,” in “no state, metropolitan area, or county can a full-time minimum-wage worker afford a modest two-bedroom rental home, and these workers cannot afford modest one-bedroom apartments in 93 percent of US counties.” The report continues: “Over 7.5 million extremely low-income renters are severely housing cost-burdened, spending more than half of their incomes on housing.”

“More than 226,000 people in the US experienced homelessness on sidewalks or other unsheltered locations on a given night in 2020,” the report notes, “and another 354,000 experienced homelessness in emergency shelters, with limited ability to self-isolate. In addition, more than 2.7 million renters live in overcrowded housing conditions.”

Another NLIHC report issued in July states that many who have remained caught up on rent “may have done so by unsustainable means,” such as “using credits cards or loans, selling assets or drawing down savings, or borrowing from friends and family...” Of those who had fallen behind in rent, a majority reported delaying bills and cutting back on food, while more than a quarter had forgone medical care.

Moreover, in much of the country, evictions continued

even before the ending of the moratorium, which was poorly enforced and frequently defied by right-wing judges. The Princeton University Eviction Lab reported over 6,500 evictions last week in the six states and 31 cities it tracks. Since March 2020, 480,000 eviction cases have been filed. Some cities are already up to or above pre-pandemic levels of evictions, including Las Vegas, Nevada and Gainesville, Florida.

John Jopling, director of housing law at the nonprofit Mississippi Center for Justice, told the *Washington Post*, “You hear a lot of people talk about this cliff that we’re headed for as far as evictions, but really, I think, it’s more of a rolling tide—and we’re already in the middle of it.

“These tenants, they’re going to wind up in cars, they’re going to wind up on top of relatives, which is not what they need to be doing especially now in intergenerational households with all the variants of COVID that are spreading out there. They’re going to wind up on top of elderly relatives because of that immediate removal.”

The social and economic interests that dictate government policy were underscored by the concurrence of the Supreme Court attack on hard-pressed working-class families and the speech delivered the following morning by Federal Reserve Chairman Jerome Powell. Giving the keynote address at the annual Jackson Hole, Wyoming meeting of Fed officials and world central bankers, Powell reassured Wall Street that the flood of money into the financial markets by means of zero interest rates would continue indefinitely, and any tapering of quantitative easing purchases of financial assets—currently at the rate of \$120 billion *every month*—would be carried out slowly, despite the highest rates of US inflation in 30 years.

The result was a further surge in stock prices, with the Nasdaq and S&P 500 indexes closing at new record highs.



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