



Written by [Joe Wolverton, II, J.D.](#) on October 28, 2020

Homeowners, Landlords Sue CDC for Eviction Moratorium

Landlords and homeowners have decided to turn to the federal courts to force the White House back inside its constitutional cage by suing the Center for Disease Control (CDC) over the recent executive order outlawing evictions during the COVID-19 “pandemic.”

In the case of *Skyworks, Ltd. et al. v. CDC*, a group of land owners are challenging the constitutionality of the eviction moratorium imposed by the CDC (per the instructions given in an executive order issued by President Donald Trump) in September.



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“It’s unconstitutional,” said Luke Wake, an attorney with the Sacramento, California-based Pacific Legal Foundation.

“It’s very strange. The CDC exists to track and monitor epidemics and contagious diseases, as some sort of a resource to public health authorities and whatnot, but they have very limited regulatory powers,” Wake said, in an interview with *Epoch Times*.

“Federal agencies don’t just get to make up law,” he added.

Specifically, the September order applies to Americans who qualified for direct payments under the CARES Act.

The CARES Act — the Coronavirus Aid, Relief, and Economic Security Act) is the \$2 trillion stimulus package passed by Congress and signed by President Donald Trump on March 27, 2020. The economic aid package included assistance for renters unable to pay their rent as a result of government reaction to the coronavirus outbreak.

In order to qualify for eviction protections, renters will need to download and fill out several forms provided by the CDC on its website. Renters will then give the completed forms directly to their landlord.

A CDC official explained the enforcement of the edict: “This will be a declaration presented to the landlord, if that landlord approaches a tenant with an intent to evict.”

Should a landlord refuse to allow the CDC to exercise control of his property, the landlord’s failure to comply with the mandate “would become a criminal offense,” the CDC official added.

In cases of a dispute between the landlord and the tenant seeking to avoid eviction, the CDC official said these cases would be heard in local courts.

One would look in vain to find authority over private contracts and private property granted to any branch of the federal government, much less to some agency of dubious purpose such as the CDC.

Of course, the irony of this is that much of the economic distress that the order and the CDC regulation purports to relieve was brought on not by a virus, but by a parasite: the federal government.



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On its website, the Pacific Legal Foundation outlines the several ways the CDC has overstepped any authority it might have.

In its haste to enact and enforce this national eviction ban, the CDC overstepped its lawful authority in several ways.

Congress has authorized the CDC to take certain steps to stop the spread of communicable diseases across state lines, but that doesn't cover a sweeping action like a nationwide moratorium on evictions.

The CDC is essentially making law, which the Constitution reserves to Congress.

The CDC ignored official rule-making procedures, which require giving notice to affected parties and giving them and the public a chance to comment before the CDC issues official regulations.

Please note that the plaintiffs in this lawsuit are not billionaire slum lords; they are working people who make a living renting property. Here's their story as provided by the Pacific Legal Foundation:

Eric and Lila Wohlwend own and manage rental properties in Canton, Ohio, through their two businesses, Skyworks Ltd. and Clear Sky Realty. One of their newer tenants, who signed a lease over the summer, stopped paying rent in October. The Wohlwends tried to meet with them and work out a payment plan, but the tenant was not responsive. The Wohlwends filed a notice to vacate but were met with a signed CDC declaration saying that the tenant couldn't pay, with no explanation as to why.

Although the CDC's eviction ban is set to expire in December, the Wohlwends want to ensure that the federal government cannot ever repeat its unlawful power grab.

Represented free of charge by PLF and the 1851 Center for Constitutional Law, Skyworks Ltd., other Ohio landlords and management companies, and the NAHB, are seeking to restore the rights of landlords and the rule of law so that the federal government cannot exercise the same unlawful expansion of powers to enact similar nationwide measures.

How do the American people, working people such as the Wohlwends hold the CDC accountable? They don't.

Officials at the CDC are subject to no control by the people of the United States and cannot be held accountable by them, no matter how despotic their decrees become.

Finally, and most importantly, neither Executive Order 13945, nor the CDC directive issued under its "authority" were passed by Congress, and Congress is the only branch of the federal government that can make laws; otherwise, those laws are not made with the consent of the governed, and that got our Founding Fathers a little upset at their own property-pilfering executive.

The complaint was filed October 23 in the United States District Court for the Northern District of Ohio.



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