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## Here are the real reasons Biden extended the eviction ban

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Most politicians and political appointees are astute and well-intentioned. But their efforts often yield disappointing results that, in retrospect, seem predictable.

Take, for instance, last week's U.S. Centers for Disease Control announcement that it is reimposing a moratorium on housing evictions. The agency justified the policy by citing the COVID-19 pandemic.

"It is imperative that public health authorities act quickly to mitigate ... an increase of evictions, which could increase the likelihood of new spikes in SARS-CoV-2 transmission," explained CDC director and Biden administration appointee Dr. Rochelle Walensky. "Such mass evictions and the attendant public health consequences would be very difficult to reverse in counties with heightened levels of community transmission."

At first blush, this seems reasonable. Setting out tenants in a pandemic would increase their risk of infection, which would hurt public health. This thinking exemplifies a romantic view of government known as public interest theory, which claims that policymakers design and implement interventions to benefit the public.

But thinking carefully about the CDC announcement uncovers several "puzzles." For instance:

► Landlords only evict tenants if they expect prospective (paying) tenants will move into the vacated units. If the original tenants are at heightened risk of COVID from losing their housing, aren't the prospective tenants also at heightened risk if they don't get housing? The CDC move thus doesn't seem to reduce the threat to public health, but only shifts it from current tenants to prospective ones.

► The CDC stressed that evicted tenants could become homeless and either live on the streets or in "congregate settings" like shelters and multi-family housing, increasing the risk of virus transmission. But couldn't the prospective tenants currently be in shelters, multi-family housing or on the streets and thus at increased risk of virus transmission? Again, the moratorium

doesn't seem to reduce the public health threat, but only shift it from current tenants to prospective ones.

- ▶ Perhaps the CDC is concerned that the process of moving itself increases the risk of infection, as people arrange for new housing and transport their belongings. But plenty of moves have been happening during the pandemic, as the United States has experienced a housing market boom. If the CDC is concerned about moving, why hasn't it placed a moratorium on the buying and selling of homes or on renters voluntarily changing their housing?
- ▶ The CDC order covers households with single-earner incomes up to \$99,000 and dual-earner incomes up to \$198,000. Why does it extend to such high earners?
- ▶ Congress has appropriated \$46.5 billion to subsidize rent for tenants hurt by the COVID emergency. Yet, very little of that money has been handed out. Shouldn't policymakers concentrate their effort on the distributing of that aid instead of imposing another moratorium?
- ▶ Many congressional Democrats demanded the CDC reimpose the moratorium, and the Biden administration supported the decision. Yet, just weeks ago, the U.S. Supreme Court indicated the agency does not have such authority, only Congress does. Why would elected federal policymakers advocate a constitutionally dubious order from an agency instead of passing the necessary legislation themselves?

Public interest theory can't solve those puzzles, but a different, less romantic concept of government can. Public choice theory holds that government policymakers are motivated by private incentives just like everyone else. This isn't necessarily nefarious, but simply people responding to the incentives they're given. And policymakers' strongest motivations are to remain in office and in power.

President Joe Biden, his appointees and his allies in Congress know that the CDC moratorium will be appreciated by a group of voters who can be easily identified and politically organized: renters.

Meanwhile, the groups hurt by the order — prospective tenants and landlords — either aren't easily identified and organized or aren't as large, and their ire will be focused on the CDC and not elected policymakers in Washington. And the moratorium won't engender government worker enmity, unlike trying to hasten the distribution of the \$46.5 billion in subsidies.

The moratorium will also play well politically to progressive-leaning Americans, who contribute votes and campaign funds to Democratic politicians. These voters have generally been ambivalent about Biden's more center-left leanings, and their renewed enthusiasm will be needed in the 2022 midterms.

Those private benefits outweigh concerns that the moratorium won't benefit public health and is likely unconstitutional. Thus, the Biden administration and its Democratic allies are likely responding to their private interest — just as the Trump administration and its Republican allies did in 2020 when President Trump ordered a similar CDC moratorium.

Thanks to public choice theory, the eviction moratorium "puzzles" are easy to solve.

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