

FILED
FAIRBORN MUNICIPAL COURT
2021 APR 16 AM 11:49
FAIRBORN COUNTY
MELISSA A. LITZNER
CLERK OF COURTS

IN THE MUNICIPAL COURT OF FAIRBORN OHIO

ADMINISTRATIVE
ENTRY AND ORDER

This Administrative Entry and Order is made upon this Court's own motion. Administrative Judge Beth W. Cappelli, makes the following findings of fact:

WHEREAS, on September 4, 2020, the Centers for Disease Control "CDC" Director issued an Order temporarily halting evictions in the United States for certain tenants who provide a declaration showing they satisfy certain criteria to their landlord. This Order declared that evictions during the pandemic created a health crisis, and that it was not in the interest of public health to displace people from their homes. That Order was set to expire on December 31, 2020, subject to further extension modification or recession.

WHEREAS, that Order was extended until January 31, 2021.

WHEREAS, On January 29, 2021, following an assessment of the ongoing pandemic, the CDC Director renewed the Order until March 31, 2021.

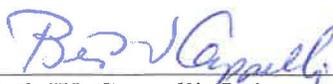
WHEREAS, the CDC Order was further extended and modified the prior Eviction Moratorium until June 30, 2021, subject to revision based on the changing public health landscape.

WHEREAS, the CDC ban has been challenged by various property owners and their supporters and on March 15, 2021, The Western District of Tennessee decided in *Tiger Lily, LLC, et al. v. United States Department of Housing and Urban Development, et al.* No. 21-5256 (W.D. Tenn. March 15, 2021) that the CDC's moratorium exceeded its statutory authority under the Public Health Service Act and rendered it unenforceable in the Western District of Tennessee.

WHEREAS, on March 29, 2021, the Sixth Circuit District Court of Appeals overruled the Emergency Motion for Stay Pending Appeal and Immediate Administrative Stay filed by the government on the basis that the government is unlikely to succeed on the merits of the case. *Tiger Lily, LLC, et al. v. United States Department of Housing and Urban Development, et al.* No. 21-5256 (6th Circuit, March 29, 2021)

Wherefore, as of April 16, 2021, Fairborn Municipal Court will proceed with all eviction cases as scheduled regardless of the filing of a CDC Declaration. Any eviction hearings or writs which were stayed as a result of the eviction moratorium are hereby reactivated and shall be scheduled.

IT IS SO ORDERED.


Beth W. Cappelli, Judge