

April 13, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, DC 20515

Re: INCLUSION OF NATIONWIDE MORATORIUM ON ELECTRICITY, WATER, BROADBAND, AND ALL OTHER ESSENTIAL UTILITY SHUT-OFFS AS PART OF NEXT COVID-19 RESCUE PACKAGE

Dear Speaker Pelosi, Leader Schumer, Leader McConnell, and Leader McCarthy:

On behalf of our millions of members and supporters nationwide, we, the undersigned 830 organizations—including utility justice, civil rights, energy democracy and justice, environmental justice, conservation, faith, labor, health advocate, consumer advocate, and legal educational organizations—urge you to **implement a nationwide moratorium on the shut-offs of electricity, water, broadband, and all other essential utilities as part of the next COVID-19 rescue package.** Further, while a nationwide moratorium provides a necessary temporary respite during this COVID-19 crisis, it does not tackle the systemic issues driving these all-too-common utility injustices across America. We therefore urge you to **invest significant stimulus funds into long-term solutions, including funding and financing for distributed clean energy systems and funding for percentage-of-income payment plans for municipal water systems, broadband, and other utility services,** which enhance the long-term energy, water, and utility resilience for all communities, in particular low-wealth households, communities of color, and tribes across the country.

While we thank Congress for the CARES Act's inclusion of important paycheck and eviction protection measures, the act unfortunately failed to include any moratorium on shut-offs of the basic utility services that families need to survive and protect themselves during this health pandemic. We applaud and thank Speaker Pelosi and House Chairpersons Lowey, Neal, Pallone, DeFazio, Scott, Velazquez, Waters, Maloney, and Lofgren for including provisions effectuating a utility shut-offs moratorium in H.R. 6379 Taking Responsibility for Workers and Families Act. We also applaud and thank Senators Merkley and Markey, Representatives Lawrence, Tlaib, and Dingell and other members of Congress for their leadership in spearheading letters and introducing legislation calling for a moratorium on utility shut-offs.¹ The public support for the nationwide moratorium is vast; at the start of the crisis,

¹ Letter to Congressional leadership calling for moratorium on all utility shut-offs led by Senator Merkley and 15 senators (March 20, 2020), <https://www.merkley.senate.gov/imo/media/doc/20.03.20%20Utility%20Access%20Letter.pdf>; Senate Resolution halting electric and gas disconnections, introduced by Senator Markey and 7 senators (March 30, 2020), <https://www.markey.senate.gov/imo/media/doc/>

over 600 organizations called for a nationwide moratorium on utility shut-offs, subsequently followed by multiple organizational letters representing the views of millions of Americans.² ***With such widespread support across Congress and the public, we urge that both the House and Senate champion the basic human rights of people in the next COVID-19 stimulus package by including robust moratorium provisions on utility shut-offs to address this issue head-on.***

The COVID-19 emergency is resulting in the widespread loss of jobs that is unprecedented in modern history—and in particular, is disproportionately harming low-wealth families, especially in communities of color and American Indian and Alaska Native communities. This loss of income threatens the ability of families to pay their rent or mortgage, to buy food, and to shoulder monthly bills for electricity, water, broadband, heat, and other essential utility services. These utility services must be retained to ensure basic family survival and to fight the health pandemic at ground zero. Access to water is foundational to living and fighting the coronavirus, which necessitates constant hand-washing and sanitation. Electricity access is necessary for families to keep their lights, refrigerators, and key medical devices on and to power air conditioning as summer ensues. Broadband access is essential for low-income students who face being left behind as education moves online, for people who have lost jobs to search for new employment, and for families to receive up-to-date information about the coronavirus during shelter-in-place orders. Families should never be put in the impossible position where they must choose between food and sustaining access to their power and water services, or between shelter and getting care for the coronavirus or other illnesses.

First, we request Congress to implement a robust nationwide moratorium on all utility shut-offs, reinstatement of disconnected services, waiver of late-payment fees, and forgiveness of all bills for low-wealth households for the duration of the emergency and an extended grace period. To the extent that some state regulators and power providers have already instituted moratoria on electricity shut-offs, we call for national legislation that ensures that utility shut-off moratoria are implemented across all jurisdictions and that such moratoria have meaningful protections, particularly for struggling families. Over the course of the last several weeks, only half of all state governments, some local

[Energy%20moratorium%20resolution.pdf](#); Letter to Congressional leadership led by Representative Lawrence and joined by 80 house representatives calling for national moratorium on water shut-offs (April 7, 2020), https://lawrence.house.gov/sites/lawrence.house.gov/files/wysiwyg_uploaded/Lawrence%20Final%20Water%20Funding%20Letter.pdf; Introduction of Emergency Water is a Human Right Act by Representatives Tlaib, Dingell, and 63 house representatives (April 10, 2020), https://tlaib.house.gov/sites/tlaib.house.gov/files/TLAIB_077_xml_SIGNED.pdf; Letter to Congressional Leadership calling for funding for broadband access for distance learning led by Sen. Markey and 31 senators (April 2, 2020), <https://www.markey.senate.gov/imo/media/doc/Coronavirus%20Stimulus%204%20Homework%20Gap%20Funding.pdf>.

² Letter from 600 organizations calling for nationwide moratorium on water, power, and all utility shut-offs (March 19, 2020), <https://www.biologicaldiversity.org/programs/energy-justice/pdfs/Signon-Letter-re-Coronavirus-and-Electricity.pdf>; Letter from 144 organizations urging Congress to include nationwide moratorium on utility shut-offs in COVID-19 Package No. 3 (March 24, 2020), https://biologicaldiversity.org/programs/energy-justice/pdfs/2020-3-24_FINAL-Congressional-Signon-Letter-re-Coronavirus-and-Electric.pdf; Letter from 233 organizations urging Congress to include nationwide moratorium on water utility shut-offs in COVID-19 Package No. 4 (April 7, 2020), https://www.foodandwaterwatch.org/sites/default/files/2020-04-07-organizationsignonletter-includefederalwaterfunding_2.pdf.

governments, and numerous private and public utilities have implemented moratoria on utility shut-offs that, unfortunately, vary greatly in coverage and scope.³ To resolve the existing patchwork of moratoria, Congress should institute a nationwide moratorium on the shut-offs of all essential utilities that applies across the entire United States so that no family is unfairly left behind.

Moreover, the nationwide moratorium must be robust in duration, coverage and scope to offer meaningful protections to people. First, the nationwide moratorium must last for at least six months beyond the end date of the national state of emergency, in order to allow a sufficient grace period for families to recover from unemployment and other coronavirus-related impacts. Second, the legislation must ensure that all households whose services have already been cut off are reconnected. Third, the moratorium should waive all late payment fee accrual on utility bills through the end of the grace period. Finally, the legislation should forgive all bill payments for low-wealth people through the end of the grace period.

Second, we request Congress address the systemic issues underlying utility shut-offs by investing significant stimulus funds into long-term solutions, including financing and funding distributed clean energy systems and funding percentage-of-income payment plans for municipal water systems, broadband and other essential utilities. Unfortunately, millions of families each year are cut off from their utility services, and the coronavirus emergency exacerbates and highlights the urgency of these chronic issues. According to the most recently available 2017 data from the U.S. Census Bureau, 1.2 million households (or approximately 1% of total households) experienced utility shut-offs within the past three months of taking the survey, and 18.4 million households (or approximately 15% of total households) reported receiving notice within the prior three months to have utilities shut off for missed payments.⁴ Further, a national survey found that the average water utility disconnected 5% of households for nonpayment in 2016, affecting an estimated 15 million Americans.⁵ Finally, approximately 22% of households nationwide do not have home internet, including more than four million households with school-age children. Lacking access to these essential utility services disproportionately harms low-wealth communities, communities of color, and tribes.⁶ Moreover, the climate emergency has exacerbated the country's extreme weather conditions—through unprecedented

³ See Energy Policy Institute, *LIVE: Utilities that have and have not suspended disconnects amid COVID-19*, <https://www.energyandpolicy.org/utilities-disconnect-coronavirus/> (last updated April 3, 2020); Food & Water Watch, *Local/State Water Shutoff Moratoria Amidst Coronavirus* (last updated April 9, 2020), <https://docs.google.com/spreadsheets/d/153Ze6RRZ-ZZ9oVkaSErhVHGMv3Z4laQDs0GRO7UmYnQ/edit#gid=1796772260>.

⁴ U.S. Census Bureau, American Housing Survey, 2017 Delinquent Payments and Notices, https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html?s_areas=00000&s_year=2017&s_tablename=TABLE1&s_bygroup1=1&s_bygroup2=1&s_filtergroup1=1&s_filtergroup2=1.

⁵ Food & Water Watch, *America's Secret Water Crisis*, October 2018, https://www.foodandwaterwatch.org/sites/default/files/rpt_1810_watershutoffs-web2.pdf.

⁶ See, e.g., NAACP Environmental and Climate Justice Program, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter*, March 2017, <https://www.naacp.org/climate-justice-resources/lights-out-in-the-cold/>. The consequences of poverty are literally fatal; for example, without electricity access, lives have been lost due to extreme heat and cold, as well as disconnection from life-saving devices like respirators and medicines requiring refrigeration.

wild fires, heat waves, and increased frequency and intensity of storms—that necessitate a greater demand in electricity, water, and broadband services for survival and to maintain a basic standard of living, most especially in American Indian and Alaska Native and rural regions.

Therefore, we urge Congress to fund and finance long-term solutions that address the systemic issues driving utility shut-offs across America. First, Congress should implement a permanent ban on all utility shut-offs for all low-wealth families. Second, regarding electricity, Congress should inject significant stimulus funds into the establishment of and access to distributed clean energy systems, especially rooftop and community solar. Distributed clean energy generation is vital to equitable community development, local job generation, and the energy security and resilience of communities in the long-term. As millions across the country face the threat of electricity shut-offs due to coronavirus-precipitated job losses, it is more apparent than ever that decentralized systems can help families generate their own power and decrease dependence on centralized utilities to weather such crises, only sure to rise in the face of growing wealth inequality and increasing climate impacts.⁷ Moreover, we urge Congress to tackle our nation's water affordability crisis head-on by fully funding municipal or rural water infrastructure through the Environmental Protection Agency's State Revolving Loan Programs, the U.S. Department of Agriculture's Rural Water Grant Program, and other grant programs, and by providing funds to help municipal, nonprofit or rural systems establish percentage-of-income payment plans for water, sewer and stormwater bills, with arrearage forgiveness for low-income households. With respect to broadband services, we urge Congress to provide substantial funding for emergency broadband connectivity programs, aimed at connecting low-income families and those experiencing job and income loss due to the pandemic, both to meet immediate need and to support those struggling through the impending recession. Similar treatment of other essential utilities is also urged.

Thank you for your consideration of this urgent request.⁸

[Signatures start on next page.]

⁷ See National Renewable Energy Laboratory, *Distributed Energy Planning for Climate Resilience* (2018), <https://www.nrel.gov/docs/fy18osti/71310.pdf>; see also See J.Farrell, *Community Solar Power: Obstacles and Opportunities*, The New Rules Project (2010), <https://ilsr.org/wp-content/uploads/files/communitysolarpower2.pdf>.

⁸ For any questions regarding this letter, please reach out to Jean Su at the Center for Biological Diversity (jsu@biologicaldiversity.org) and Chandra Farley at the Partnership for Southern Equity (cfarley@psequity.org).

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