

April 3, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Urgent Action Needed to Ensure Access to Water for All New Yorkers

cc: Letitia James, Attorney General
John B. Rhodes, Chief Executive Officer, Department of Public Service
Howard Zucker, M.D., J.D., Commissioner, Department of Health
Paul Francis, Deputy Secretary, Department of Health
Kim Harriman, Acting Deputy Secretary for Energy and Environment
Amanda Lefton, First Assistant Secretary for Energy and Environment
Jennifer Maglienti, Assistant Counsel to the Governor on Energy and Environment

Dear Governor Cuomo:

On behalf of the undersigned organizations, we urge you to issue an Executive Order providing for an immediate statewide moratorium on water shut-offs, proactive and safe restoration of water for all New Yorkers currently cut off from service, and financial relief for those struggling to pay their water bills.

Clean water is essential to keep our communities safe and healthy during COVID-19. At a time when hand-washing and proper hygiene is key to stopping the spread of the coronavirus, all state residents must have access to clean water in their homes. Urgent action is needed to protect the populations disproportionately impacted by water shut-offs, predominantly low-income households and communities of color, and those unable to pay their bills due to layoffs or lost wages during this crisis.

New York needs to ensure water is accessible to all New Yorkers. We urge you to issue an Executive Order taking the following actions:

1) Issue an immediate statewide moratorium on water shut-offs until 180 days after the end of the COVID-19 state of emergency

Water shut-offs are a common practice that water systems employ when customers are unable to pay their bills, but they have devastating effects on human health and community wellbeing. While the NYS Department of Public Service announced on March 13, 2020 that large private utilities had committed to suspending water shut-offs during the COVID-19 outbreak,¹ covering an estimated 1.1 million New Yorkers, this voluntary

¹ NYS Department of Public Service, Utilities to Suspend Disconnections for Households Facing Hardships During COVID-19 Outbreak, March 13, 2020, [http://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/3F74F913F5E331B28525852A006FB646/\\$File/pr20023.pdf?OpenElement](http://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/3F74F913F5E331B28525852A006FB646/$File/pr20023.pdf?OpenElement)

measure does not go far enough. First, the commitments were only made by private utilities, leaving out approximately 2,840 public water systems providing water to over 18 million New Yorkers.² Second, the commitment by utilities is voluntary, which unnecessarily exposes New Yorkers to shut-off risks without legal protections.

While several public water systems, including those serving Binghamton, Erie County, Niagara Falls, Suffolk County, and Buffalo, have committed to suspend water shut-offs, there are still many other communities where residents are vulnerable to a suspension of water service.³ We urge you to follow the examples of California, Michigan, Wisconsin, Indiana, Kansas, North Carolina, Ohio, Maine, and New Hampshire, and issue a water shut-off moratorium covering all public and private water systems immediately.⁴

2) Proactively and safely restore water service to all homes currently impacted by water shut-offs, with no reconnection fees

A statewide moratorium on water shut-offs on its own, however, does not aid New Yorkers currently cut off from clean water. New York must require water systems to proactively and safely restore service to all residents currently experiencing a shut-off and to waive any reconnection fees. Of the five public water systems we have identified that have committed to suspending water shut-offs during COVID-19, we know of only one that has committed to proactive restoration. California and Michigan are requiring proactive service restoration by all water systems in their states.

A recent story from the Buffalo News demonstrates that long-standing water shut-offs persist today and pose immense health risks to New Yorkers during this COVID-19 crisis.⁵ From 2015 through March 2019, Buffalo terminated water in over 17,000 instances. Throughout the year, City of Buffalo workers shut off water each week to about 80 households.⁶ A national survey found that the average water system disconnected five percent of households for non-payment in 2016, affecting an estimated 15 million Americans.⁷

Unless New York mandates that water service be restored, many people will face greater vulnerability to COVID-19 due to lack of clean water. If New Yorkers are being instructed to stay at home, they must be guaranteed the essential services to keep them and their families safe.

It is critical that restorations be conducted as soon as possible and in a manner that fully protects public health. Water systems must be instructed to complete restorations as soon as possible, and by no later than two weeks. The state should require water

² NYS Department of Health, Drinking Water Program: Facts and Figures, https://www.health.ny.gov/environmental/water/drinking/facts_figures.htm

³ New York City, serving a population of 8.3 million, does not suspend service due to non-payment as a general practice.

⁴ A full list of water shut-off moratoriums enacted during the COVID-19 crisis can be found here: <http://rb.gy/eppqsb>

⁵ Deidre Williams, "Critics want water shut-offs reversed, but city says residents must call first," Buffalo News, March 23, 2020, <https://buffalonews.com/2020/03/23/critics-blast-citys-plan-to-reverse-water-shut-offs-as-insufficient/>

⁶ PUSH Buffalo et al, "Proactive Action to Restore Water to Combat COVID-19 in Buffalo," April 1, 2020,

<https://ppgbuffalo.org/news-and-events/news/article:04-01-2020-12-00am-community-groups-call-on-the-city-of-buffalo-and-buffalo-water-to-restore-services-to-combat-covid-19-in-buffalo/>

⁷ Food & Water Watch, *America's Secret Water Crisis*, October 2018, <https://www.foodandwaterwatch.org/insight/americas-secret-water-crisis>

systems to report within two weeks on the existing number of disconnections due to non-payment and the number of reconnections they completed (the timeline set by the State of Michigan).⁸ Water systems must also be required to deliver water to homes awaiting reconnection. Finally, the state should provide technical guidelines to water systems about properly flushing piping after service is restored, and water systems must be required to provide educational materials on this topic to residents upon reconnection as well as point-of-use filtration.⁹ Water that has stagnated in plumbing can expose residents to dangerous levels of lead as well as Legionella and other pathogens in their drinking water.

3) Suspend all rate hikes, reconnection fees, and late fees and collection activities for overdue bills, and guarantee extended repayment plans for past due bills, until 180 days after the end of the COVID-19 state of emergency

The economic toll of this pandemic on New Yorkers is immense, with a loss of wages and jobs across many sectors of our state economy. Many families will struggle to pay for essential services, including access to running water, which even before the crisis was becoming increasingly unaffordable for low-income households. People should not be subject to strict collection activities during the crisis, nor should they again be immediately at risk of shut-off for non-payment when the health emergency ends, before they have even had a chance to regain their financial footing. We urge you to ease the financial burden that many New Yorkers are facing.

Over the past month, we have seen New York State emerge as a leader in the country and in the world in fighting the spread of COVID-19. We urge you to embrace a similarly strong approach in ensuring that all New Yorkers have access to clean water during this critical time.

Sincerely,

Maureen Cunningham
Senior Director for Clean Water
Environmental Advocates of New York

Eric Weltman
Senior Organizer
Food & Water Action

Rahwa Ghirmatzion
Executive Director
PUSH Buffalo

⁸ Michigan's Executive Order requiring restoration of water service can be found here: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-523414--,00.html

⁹ The public education materials created by the City of Detroit can be found here: <https://pbs.twimg.com/media/ET0WWM36XsAAjEKn?format=jpg&name=medium>

Andrea Ó Súilleabháin
Executive Director
Partnership for the Public Good

Karen Nicolson
CEO
Center for Elder Law & Justice

Joseph Kelemen
Executive Director
Western New York Law Center

Celia Weaver
Campaign Coordinator
Housing Justice for All

Richard Berkley
Executive Director
The Public Utility Law Project of New York

Anna Kelles and Marion Porterfield
Co-Chairs
Local Progress NY

Dr. Hazel Dukes
President
NAACP New York State Conference

Lorey A. Zaman
President
NYS Parent Teacher Association

Maria Alvarez
Executive Director
New York Statewide Senior Action Council

Bob Cohen
Policy Director
Citizen Action of New York

Javier H. Valdés
Co-Executive Director
Make the Road New York

Afua Atta-Mensah
Executive Director
Community Voices Heard

Jawanza James Williams
Director of Organizing
VOCAL-NY

Pete Sikora
Climate and Inequality Campaigns Director
New York Communities for Change

Jonathan Bix
Executive Director
Nobody Leaves Mid-Hudson

Lisa Tyson
Director
Long Island Progressive Coalition

Bertha Lewis
President
The Black Institute

Stephan Edel
Coalition Coordinator
NY Renews

Maritza Silva-Farrell
Executive Director
ALIGN

John J. Murphy
International Representative
United Association of Plumbers and Pipefitters

Greg Lancette
President
New York State Pipe Trades Association

Frank Natalie
Business Agent
UA Plumbers and Steamfitters Local 7

Patrick Carroll
Business Manager
UA Plumbers and Steamfitters Local 73

Sean Redden
Business Manager
UA Plumbers and Steamfitters Local 22

Michael Apuzzo
Business Manager
UA Plumbers Local 1

Daniel Crocker
Business Manager
UA Plumbers and Pipefitters Local 112

Gary Macejka
Business Manager
UA Local 128

Michael R Jarvis
Business Manager
UA Plumbers and Steamfitters Local 773

Patrick Dolan
President
Enterprise Association Steamfitters Union 638

Mark O'Connor
Business Agent
UA Local 669

Robert Ambrosetti
Business Manager
UA Plumbers and Steamfitters Local 373

William Kurtz
Business Manager
UA Local 13

Frank Palen
Business Manager
UA Plumbers and Steamfitters Local 21

Danny Grodotzke
Business Manager
UA Plumbers Local Union 200

Jill Jedlicka
Executive Director
Buffalo Niagara Waterkeeper

Nate Drag
Water Project Manager
Alliance for the Great Lakes

Curtis Fisher
Regional Executive Director
National Wildlife Federation Northeast Regional Center

Alok Disa
Senior Research and Policy Analyst
Earthjustice

Elizabeth Moran
Environmental Policy Director
NYPIRG

Katherine Nadeau
Deputy Director
Catskill Mountainkeeper

Paul Gallay
President
Riverkeeper

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter

Brian Smith
Associate Executive Director
Citizens Campaign for the Environment

Christine Appah
Senior Staff Attorney
New York Lawyers for the Public Interest

Lynda Schneekloth
Advocacy Chair
Western New York Environmental Alliance

Kristy Meyer
Associate Director
Freshwater Future

Matthew Miles Goodrich
Organizer
Sunrise NYC

Judith Enck
Former EPA Regional Administrator

Leslie Cagan
Coordinator
Peoples Climate Movement-NY

Gustavo Gordillo
Organizer
NYC Democratic Socialists of America

Nada Khader
Executive Director
WESPAC/White Plains

Jerry Rivers
North American Climate, Conservation and Environment (NACCE)

Terri Thal
Treasurer
West Branch Conservation Association

Matt Malina
Executive Director
NYC H2O

Susanne Kernan
Steering Committee President
Rockland Citizens Action Network

Diana Abadie
Coordinator, PAG
Keep It Greene

Dr. Joseph Campbell
President
Seneca Lake Guardian, A Waterkeeper Alliance Affiliate

Yvonne Taylor
Vice President
Gas Free Seneca

Joseph Naham
Chairperson
Green Party of Nassau County

Charley Bowman
Chair, Environmental Justice Task Force
Western NY Peace Center/Buffalo NY

Laurie Phillips
Rabbi
Beineinu

Elizabeth Maxwell
Rector
Church of the Ascension

Eileen Gannon
Executive Team Member
Dominican Sisters of Sparkill

Arlene Flaherty
Sister
Dominican Sisters Blauvelt NY

Rev. Adriene Thorne
Reverend
First Presbyterian Church of Brooklyn

David Krantz
President
Aytzim: Ecological Judaism

Mary Smith
Communications Director
Church Women United in New York State

Sr. Joan Agro, O.P.
Congregational Secretary
Sisters of St. Dominic of Blauvelt, New York

Jeffrey Courter
Reverend
Forest Hills Presbyterian Church

Ann Gray
Sister
Coordinator for JPIC Daughters of Wisdom US Province

Margaret Sikora
Sister
Franciscan Sisters of the Atonement

Carol De Angelo
Director of Peace, Justice and Integrity of Creation
Sisters of Charity of New York