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, covering an estimated 1.1 million New Yorkers, this voluntary

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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. 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. 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.

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. 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 disconnect five percent of households for non-payment in 2016, affecting an estimated 15 million Americans.

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

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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/epqqsb
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). 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. 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
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Environmental Advocates of New York

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Senior Organizer
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Rahwa Ghirmatzion
Executive Director
PUSH Buffalo

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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/ET0WM36XsAAjEKn?format=jpg&name=medium
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