

Water Equity, COVID-19 and the Role of US Cities and States

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Abstract

Access to drinking water is treated as a commodity in the US, not a human right. With the onset of the COVID-19 pandemic, many US cities and states have enacted moratoriums on water shutoffs. What differentiates these states and cities? Will this lead to a shift in the recognition of the public health value of water? Planning can help lift up the equity dimensions of water access in the US.

Key words: water, equity, COVID-19, shutoff protection, US cities and states

Plain Language Summary

Protection of low income households from water shutoff has increased dramatically in US cities and states since the onset of the COVID-19 pandemic. Will recognition of the public health value of water access continue after the pandemic?

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Protecting Consumers from Water Shutoffs

During the COVID-19 pandemic many US states and localities are enacting moratoriums on water disconnection. This is new. Historically, the US has been reluctant to protect consumers from water shutoff, as water is considered a commodity in the US. Protections from shutoff are limited, and some states even restrict utilities and cities from providing support to low-income consumers (UNC, 2017). Many cities, especially older cities in the rust belt, face aging infrastructure and the need to raise water rates to cover upgrades to their systems (Swain et al., 2020). Baltimore is a well-known case. As part of water infrastructure investment, the City approved a 33% water rate increase in 2016 and, even though the Department of Public Works had various financial assistance programs for vulnerable groups, 15% of residential customers had delinquent bills in 2016 (totaling \$20 million of uncollected debt for the City) (Jacobson, 2016).

Water is becoming less affordable to many US households, especially low-income households and communities of color, as rates for water bills rise above the US EPA recommended level of two percent of median household income (Montag, 2019). Since 2014 over 141,000 Detroit households have been disconnected from water service due to unpaid bills, but on 12 March, 2020, the day after WHO declared the COVID-19 pandemic, Michigan's governor, Gretchen Whitmer, and Detroit city officials announced plans to stop shutoffs and temporarily reconnect water services for all residents (The Guardian, March 2020). On the same day, 12 March, Mayor Kate Gallego of the City of Phoenix, Arizona, tweeted,

“As of today [@PHXWater](#) will be halting all water shut-offs for non-payment to ensure residents have access to water for COVID-19 sanitation purposes. Those currently disconnected will be re-connected by [@PHXWater](#) for [#COVID19](#) sanitation. These residences will receive low-flow water service that is adequate for sanitation and cooking.” <https://twitter.com/MayorGallego/status/1238163868876025858?s=20>

The next day, the State of Louisiana declared,

“Due to the risks to public health associated with the COVID-19 Coronavirus, Governor John Bel Edwards has declared a statewide Public Health Emergency. Given the severity of these events and the uncertain impact it may have on Commission-jurisdictional ratepayers, immediate action is required to ensure utility service is not disconnected for nonpayment” (LA Public Service Commission, Executive Order 13 March 2020).

The COVID-19 pandemic has shifted the attention of state and local officials towards the public health importance of water. But this was not always the case.

National Data Shows Rising Support for Shutoff Protection

A 2015 national survey found only eight percent of cities protected residents from water shutoff – just 153 out of a sample of 1897 municipalities (Homsy and Warner, 2020). The study found that cities were more likely to protect residents from water shutoff if the municipality owned its own water utility, had a Democrat-majority governing board and had an articulated social equity goal in its municipal plan. Planning can increase attention to social equity (Liao et al., 2019).

At the onset of the COVID-19 pandemic Food and Water Watch, an advocacy group for public water, began tracking cities and states enacting moratoriums on water shutoffs. While Phoenix, Arizona, Detroit, Michigan and the State of Louisiana were among the first to announce moratoriums on shutoffs, as of April 30, 2020, over 483 cities and 35 states had imposed moratoriums on water shutoffs (FWW, 2020). These are shown in the map below. The COVID-19 pandemic has raised state and local attention to the critical public health importance of access to drinking water.

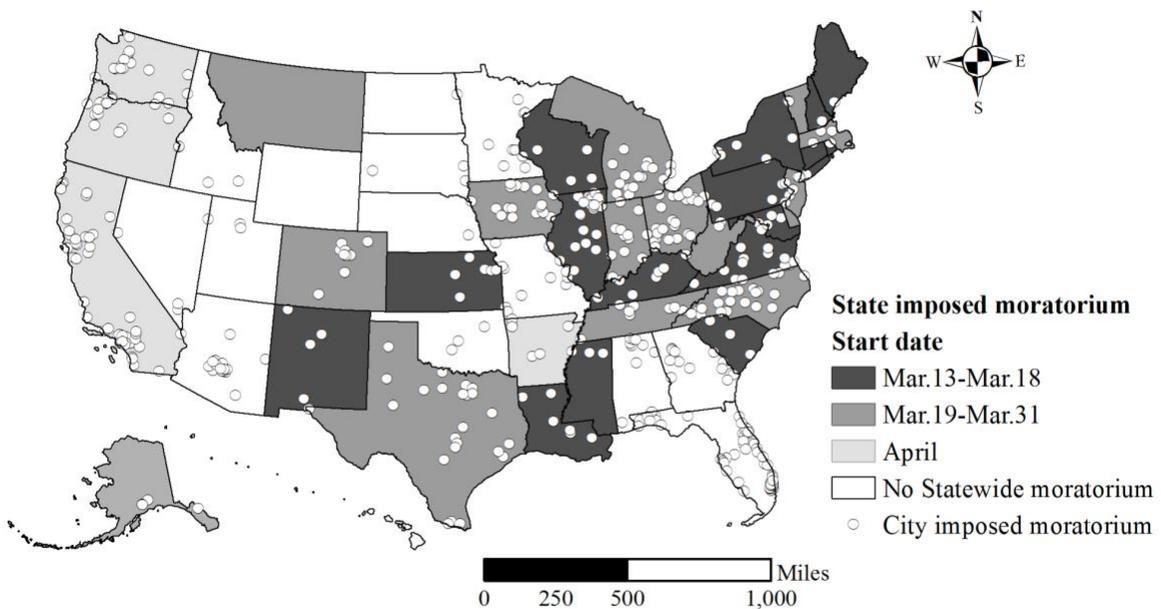


Figure 1: US States and Cities Enacting Water Shutoff Moratoriums in the COVID-19 Pandemic
Built by author, Data sources: TIGER/Line Shapefiles, Food and Water Watch, April, 2020

What differentiates states that imposed moratoriums from those that did not? A recent study finds that states which regulate private water operators were more likely to impose a moratorium and those with higher COVID-19 case rates imposed their moratoriums more quickly (Warner, Zhang and González Rivas, 2020). States with consolidated Republican control of both the state legislature and the governor's office were less likely to impose a moratorium.

Research finds states are the best level for providing low-income assistance programs in the utility sector (Pierce et al., 2020). However, some state statutes may prohibit preferential treatment of specific customers; and some limit the ability of utilities or communities to fund low-income assistance programs (Pierce et al., 2020; UNC Environmental Finance Center, 2017). Interestingly in the fifteen states that did not impose a statewide moratorium on shutoffs, over 100 cities did impose moratoriums. These cities are characterized by having larger minority population and higher income inequality and thus recognize the need for water equity (Warner et al., 2020). These cities also have more local capacity – as measured by higher per capita income and higher community health capacity. The study also found cities in counties with higher percentage of population voting for Trump were less likely to impose moratoriums. Thus water equity is politicized in the US, at both the city and state level.

That US cities and states have emerged as champions of water equity in the most adverse circumstances during this pandemic is not surprising given their role as key actors in the absence of leadership of the US Federal government during the COVID-19 crisis. But how effective can cities be given the complexity and fragmentation in US water governance and US exceptionalism in water policy?

A Complex, Fragmented System

In many countries, water governance reforms provide a coordinating framework for sustainable and integrated water management. In the US, experts have called for a sustainable approach to water management, as the current systems is fragmented and responsibility falls on a multiplicity of actors (DigDeep and US Water Alliance, 2019).

The majority of Americans are served by public utilities. The regulation of water service provision involves a multi-level government approach. At the state level, there are health and environment agencies and departments involved in water regulation, in addition to the Public Utilities Commissions (PUCs), which are in charge of tariff regulation of private and sometimes public utilities. At the federal level, policies are mainly focused on environmental regulation, establishing water quality and discharge standards.

The current pandemic has demonstrated the challenges of issuing a rapid response in a multi-actor governance structure. For example, while California did not issue a moratorium on shutoffs until April 2nd, various cities were ready to suspend water shutoffs right after the crisis was declared a pandemic on March 12th, but cities needed to get approval from various agencies. San Francisco's utilities commission required approval by the health department before it could act (Buford and Campbell, 2020). This delayed the shutoff protection for 48 hours, and delinquent households, whose water was shutoff, had to pay and wait before their service was restored.

To add to this governance complexity, there is also the challenge of fractionalized service areas, i.e. city jurisdictions do not necessarily coincide with water utility service areas. How can cities protect low-income residents that are not served by their own utility? City leadership is

crucial but there is a need for state and national governments to provide resources and strong guidelines on water access protection.

US Exceptionalism in Water Policy Governance

In addition to the complexity of water governance, the US is an exception with respect to the rest of the world in the lack of recognition of water as a human right. This is in stark contrast to European countries, where various mechanisms have been implemented to ensure access to water, including the provision of household minimum subsistence level (following the World Health Organization guidelines), discounted rates (social tariffs or social funds), to full water disconnection bans. Specifically Austria, France, Ireland and the UK have full disconnection bans in place, while in several other countries legislation requires companies to provide the minimum subsistence amount using flow reduction devices or, in some cases, coin-operated water meters. In countries that do permit water disconnections, for example in Belgium, Norway and the Netherlands, some of the requirements include an approval by an appointed court or other government agency (EurEau, 2016). The above discussion is not to say that there are no water access challenges in Europe. Rather, our point here is to show how different the US is with respect to the rest of the world in how it approaches access to water.

The European approach is consistent with the global sustainable development agenda 2030. There is general agreement that water access is central to development, as reflected in the commitment to Goal number 6 on access to water, sanitation and hygiene and the 2010 milestone of the UN General Assembly on recognition of water as human right. The Trump administration has generally abandoned a leadership role in this global development forum. For example, while there is variation in how the Sustainable Development Goals (SDGs) are embraced by different

countries, in a report of the G20 countries, looking at the extent to which countries align national agenda's to the SDGs, strategies, action plans and accountability systems—the US shows the lowest levels of political leadership (Bertelsmann Stiftung and SDSN, 2018).

Potential for Water Equity in the US

The US disdain to join global development efforts is alarming because, even though the US is one of the wealthiest countries, it experiences urgent needs. Between 1.4 to 2 million Americans lack running water (DigDeep and US Water Alliance, 2019). Many communities face the risk of water contamination and inability to pay for rapidly increasing bills. This has had devastating consequences for low-income communities, tribal nations and communities of color, which face disconnection rates and the structural effects of bill delinquency (Montag, 2019; DigDeep and US Water Alliance, 2019).

In this context, some cities and state governments have responded swiftly with temporary moratoriums for non-payment to ensure access to water for the most vulnerable groups during the COVID-19 pandemic. However, these are temporary measures and one key question for planners is how to make access to water long lasting. There are various challenges to making the protection of water access more permanent, beyond the current pandemic. These challenges are related to US exceptionalism in its water approach, not just because of the complexity of US water governance policy, but also because of the reluctance to embrace a human right to water.

The water affordability crisis in the US is happening at the same time cities and regions have renewed focus on water planning. In the context of decaying infrastructure as well as the need to address climate change, planners have been playing an important role in sustainable water planning. Emphasis on sustainable urban water management is welcome, but in the US the

general approach has mainly been to increase infrastructure as a response to increased demand. More action on water policy has been focused on efficiency, investment in new technologies and green infrastructure aspects that often overlook equity issues, like guaranteeing access to water (Homsy and Warner, 2020).

In order to have a comprehensive sustainable approach in which equity is not an afterthought, cities need to broaden the focus of sustainable water management to ensure protection to water access for the most vulnerable groups. A recent letter, signed by 830 organizations across the US, was sent to the US Congress on April 12th, requesting that moratoriums on shutoffs of all utilities be included in the next COVID-19 rescue package (N.A., 2020). Planners could join the voices calling for long term financing for water and other utilities as solutions to help states and municipalities address systemic inequalities. This would make stronger, resilient and more equitable communities.

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