

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-21-20

A RESOLUTION ON PROTECTING ALL AMERICANS RIGHT TO VITAL UTILITY SERVICES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is committed to the health, safety, and well-being of every American;

WHEREAS, in the early weeks of the coronavirus pandemic, millions of Americans lost their jobs;

WHEREAS, unemployment in the nation rose to a level not seen since the Great Depression;

WHEREAS, in some states, thirty-three percent of utility customers are still behind on their utility payments;

WHEREAS, clean water and reliable wastewater services are essential utilities to which every person must have ready and affordable access;

WHEREAS, the ongoing COVID-19 pandemic and economic downturn have highlighted affordability issues related to water and wastewater services;

WHEREAS, these affordability issues disproportionately impact low-income households and communities of color, it has been estimated that low-income households spend an average of 12.4% of their disposable income each month on water and sewer services;

WHEREAS, African American job losses during the pandemic and economic downturn have greatly outpaced other demographic groups, and as of July 2020, the unemployment rate for African Americans stood at 14.6%, further exacerbating longstanding and persistent Black income and wealth gaps, these communities are most at risk of being unable to pay for critical water and wastewater services;

WHEREAS, currently thirty-three states have lacked a moratorium on utility termination;

WHEREAS, only seventeen states and the District of Columbia currently have a state-mandated utility moratorium;

WHEREAS, the pandemic and economic downturn have impacted the finances of municipal governments with local officials, on average, expecting a 13 percent decline in general fund revenues forcing many cities to severely cut services and layoff or furlough employees;

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WHEREAS, state regulators and water service providers across the country have deployed a range of solutions, including temporary moratoriums on utility service disconnections, to ensure that every household continues to have access to essential water and wastewater services during the pandemic;

WHEREAS, New York is the sole state that has a utility moratorium that extends past the state of emergency;

WHEREAS, without a utility moratorium, 34.5 million Americans will be without protection against a utility termination;

WHEREAS, these temporary solutions have benefited many and underscore the importance of implementing permanent solutions to affordability issues;

WHEREAS, utilities, such as gas, electric and water, are essential services; and

WHEREAS, families should never have to choose between food or shelter and sustaining access to their power and water services; and

WHEREAS, utility shutoffs disproportionately affect Black and Latino households according to a study by the NAACP;

WHEREAS, electricity is necessary for families to keep their lights, refrigerators, and key medical devices on;

WHEREAS, utility shutoffs cost people their lives, health, and dignity;

WHEREAS, unlike for other utility services, there is a dearth of water and wastewater affordability programs at the state and federal levels. Subsidies for electric and gas service are available via the federal Low-Income Home Energy Assistance Program (LIHEAP);

WHEREAS, Resolution ETE-09-05 that was ratified in plenary session December 12, 2008 by the National Black Caucus of State Legislators (NBCSL), “the purpose of LIHEAP is to assist low-income households, particularly those under the poverty level, that pay a high proportion of household income for home energy to meet immediate home energy needs;” and NBCSL signed to support LIHEA, to strongly urge Congress to defend and improve LIHEAP funding in FY21;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has recognized that “even though the number of households eligible for the LIHEAP program continues to exceed those receiving assistance, this funding has been a lifeline...helping to ensure that people do not have to choose between paying their energy bills and paying for food or medicine;”

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WHEREAS, many low-income programs do not contemplate national crises with widespread economic consequences including high unemployment, therefore excluding countless families that find themselves in need of assistance; and

WHEREAS, there is growing support for creating a low-income and emergency customer assistance program for water and wastewater services provided by either municipal or privately owned utilities as a permanent solution to affordability challenges facing consumers of these services.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) supports an authorization and annual appropriation for a program that creates a low-income and emergency customer assistance program for water and wastewater services, provided by either municipal or privately owned utilities, at the federal and state levels to ensure that all households, regardless of race or income, are able to better afford water and wastewater services;

BE IT FURTHER RESOLVED, that the NBCSL supports legislation that would enact a utility moratorium or similar innovative programs that protects consumers from disconnection of their utilities in case of states of emergencies;

BE IT FURTHER RESOLVED, that the NBCSL supports legislation that will also help those affected by the pandemic to be placed into a no penalty utility payback program or payment forgiveness as to limit debt created by the pandemic;

BE IT FURTHER RESOLVED, that the NBCSL supports the allotment of federal funds allocated for COVID-19 as part of the CARES Act to be used for water and wastewater customer assistance programs; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Representative Kamia Brown (FL) and Senator Kevin Parker (NY)

Committee of Jurisdiction: Energy, Transportation, and Environment Policy Committee

Certified by Committee Co-Chairs: Senator Kevin Parker (NY) Senator Sandra Williams (OH)

Ratified in Plenary Session: Ratification Date is December 3, 2020

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President