

Introduction

The critical importance of water cannot be overstated: Water sustains life. For communities, access to clean water is essential for protecting public health and sustaining local economies. For individual households, it is necessary for drinking, cooking, bathing, sanitation—and, as the COVID-19 pandemic highlighted, simply keeping our hands and homes clean to prevent disease. Yet in the United States, many people struggle to afford this vital necessity. The unaffordable cost of water and wastewater for these households undercuts health, environmental, and social justice goals while threatening to disrupt entire communities.

In cities and towns around the country, families face service shutoffs, punitive fees, liens on their homes, foreclosure and home loss, and more when they cannot afford their water and sewer bills. All of these practices by utilities—often unconstrained by state consumer protection laws and without a robust financial safety net for vulnerable households—disproportionately impact communities of color.¹

Water bills continue to rise to support investments in outdated drinking water and wastewater infrastructure.² Mass shutoffs, like the 2014 crisis in Detroit (where the city disconnected water service to more than 27,000 homes with unpaid water bills), have garnered international attention, spotlighting how unaffordable water service threatens basic human rights.³ The COVID-19 pandemic has underscored that everyone needs access to water regardless of ability to pay, and that no one should be forced to choose between paying their water bills and meeting other essential needs. The time to address the country's water affordability problems is now.

“Water shutoffs are one of the most serious consequences of the high cost of household water in the United States. Water utilities routinely shut off running water to homes where families have not paid their bills.”

—FROM *THE INVISIBLE CRISIS: WATER UNAFFORDABILITY IN THE UNITED STATES*,
UNITARIAN UNIVERSALIST SERVICE COMMITTEE, MAY 2016.⁴



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The toolkit offers solutions that help protect access to water, enable low-income households to afford water, and support effective state and local advocacy.

WHAT IS THE PURPOSE OF THE WATER AFFORDABILITY ADVOCACY TOOLKIT?

The Water Affordability Advocacy Toolkit has two aims. First, it seeks to explain many of the most critical challenges related to household-level water affordability that arise throughout the country. The topics concern not only the affordability of water and sewer service but also the *consequences* to people and communities when bills are unaffordable.

Second, for each topic, it offers a menu of potential state-level and local-level policy solutions and strategies that advocates can consider using—or adapting—to help ensure affordable access to essential water services in their communities, regardless of a household’s ability to pay.

The content of the toolkit was informed by conversations with water advocates, activists, and academics across the country. It is informed significantly by their experiences and insights.

Although not all the solutions will be appropriate everywhere, our hope is that the toolkit can serve as a starting point for advocates to develop comprehensive solutions for the problems faced by people in their communities and states.

WHO SHOULD USE THIS TOOLKIT?

This toolkit is intended for those interested in policy reform around water affordability—including drinking water, wastewater, and stormwater utility service.

The authors recognize the wealth of knowledge that advocates, activists, and community members already have about water affordability, the urgent need for reform, and effective solutions. The toolkit seeks to systematically collect and share information that advocates, activists, and community members can use to help make change. Readers will find ideas, resources, and examples that may help them influence policymakers such as utility officials and governing boards, local elected officials,

state legislatures and utility commissions, and courts. Policymakers and utilities, too, can use this toolkit to better understand problems and solutions that may apply to their communities.

The focus of the toolkit is on policy reforms and strategies that can address systemic, household-level water affordability issues within a community. However, it is not intended to be a guide for *individual* households struggling with unaffordable water bills. Nor is it a handbook for legal service providers to advocate on behalf of their individual clients, although some of the information in the toolkit may be useful in that context. For individual customer advocacy, contact your local legal services organization or see the National Consumer Law Center’s *Access to Utility Service* (6th ed., 2018).⁵

WHAT TOPICS DOES THE TOOLKIT COVER? WHAT RESOURCES DOES IT OFFER?

The Water Affordability Advocacy Toolkit is structured as a series of modules that can be read together or as stand-alone guides on individual topics. As emphasized throughout the toolkit, however, the policy solutions in all of the modules are most effective when used as part of a comprehensive approach. Taken together, these solutions can help (1) protect people from losing access to water, (2) enable low-income households to afford essential water services, and (3) strengthen advocates’ opportunities to influence key decisionmakers and hold water and wastewater utilities accountable to the people they serve.

In each module, readers will find an in-depth explanation of the topic and the dynamics (and decision makers) that advocates are likely to encounter; questions that can help advocates assess gaps in state and local laws and policies; examples of strong state and local programs, policies, and consumer protections from around the country, drawing on both the water sector and analogies from the energy utility sector; pitfalls to look out for; and other policy ideas to consider. Each module also includes extensive endnotes with references and further details and examples; some also conclude with a short list of key resources.

We recommend that you begin with the Background module, which provides a high-level overview of the water affordability crisis and introduces key concepts used throughout the toolkit. The Background module explores the meaning of water affordability and the human right to safe, affordable water and sanitation; the devastating consequences of unaffordable water bills; drivers of

rising water rates; and how the fragmented ownership and oversight of water and wastewater utilities present challenges for advocates.

From there, each of the 10 remaining modules addresses a distinct topic related to water affordability, although many modules identify where topics are closely interrelated. These modules are organized thematically as follows:

MODULE	SOLUTIONS EXPLORED
Group 1: Protecting people from losing access to water	
Water Shutoffs	<ul style="list-style-type: none"> ■ Combining shutoff protections with bill relief for those unable to pay ■ Establishing shutoff protections for vulnerable individuals ■ Prohibiting shutoffs while a billing dispute or application for assistance is pending ■ Adopting temporary shutoff moratoriums ■ Ensuring adequate notice and opportunity to contest a bill before a shutoff ■ Eliminating barriers to reconnection such as punitive fees ■ Preventing shutoffs when water bills are combined with billing for other city services ■ Rejecting the use of flow limiters as an alternative to shutoffs
Water Liens	<ul style="list-style-type: none"> ■ Banning lien sales of homes based on water debt ■ Reforming state law protections regarding water lien sales ■ Improving notice of water liens and opportunities to avoid a lien ■ Creating an ombudsman position to help people avoid a water lien sale ■ Offering customers effective debt relief programs to avoid liens and lien sales
Water Debt	<ul style="list-style-type: none"> ■ Eliminating punitive fees and penalties that cause debt to spiral upward ■ Temporary water debt forgiveness programs ■ Offering “crisis assistance” grants ■ Using “arrearage management plans” to retire water debt, by forgiving debt as customers pay their future (affordable) bills ■ Offering fair, reasonable deferred payment plans to customers
Billing Problems and Dispute Resolution	<ul style="list-style-type: none"> ■ Spotting common issues and unfair practices that can result in overbilling ■ Preventing shutoffs when water bills are combined with billing for other city services ■ Preventing abusive or unfair billing of tenants by landlords ■ Fixing systemic billing problems that lead to excessive bills ■ Creating fair processes for customers to dispute their bills
Protections and Support for Renters (also contains information relevant to Group 2)	<ul style="list-style-type: none"> ■ Expanding bill affordability and assistance programs to effectively reach renters ■ Reforming utility consumer protection rules to ensure that renters are protected ■ Protecting renters' access to water service when landlords fail to pay the bill ■ Regulating how landlords bill their tenants for water

MODULE	SOLUTIONS EXPLORED
Group 2: Making essential water services affordable for low-income households	
Affordability and Assistance Programs	<ul style="list-style-type: none"> ■ Distinguishing affordability programs from assistance programs ■ Designing percentage-of-income payment plans (PIPPs) that limit each participating household’s water bill to a predetermined percentage of household income deemed to be affordable ■ Designing traditional assistance programs that directly reduce the size of a participating household’s water bill on an ongoing basis, but without regard to whether the household can actually afford the resulting bill* ■ Using state and federal strategies to overcome barriers to local program implementation ■ Funding programs at the local, state, and federal levels
Equitable Water Rates	<ul style="list-style-type: none"> ■ Understanding the elements of ratesetting ■ Avoiding diversion of rate revenues for nonutility purposes ■ Challenging “cost allocations” that are unfair to residential customers ■ Reducing reliance on fixed charges or declining block rates ■ Adopting (and carefully designing) inclining block rates or “lifeline” rates ■ Establishing separate rates for wastewater and stormwater
Water Efficiency and Plumbing Repair Assistance	<ul style="list-style-type: none"> ■ Reducing water bills through direct-install program that upgrade plumbing fixtures and repair leaks ■ Targeting programs effectively to reach low-income households that can benefit the most ■ Integrating water efficiency assistance into low-income energy efficiency programs ■ Seeking opportunities to reach multi-family housing ■ Offering plumbing repair assistance as needed to ensure safe restoration of service following a shutoff
Protections and Support for Renters (also contains information relevant to Group 1)	<ul style="list-style-type: none"> ■ Expanding bill affordability and assistance programs to effectively reach renters ■ Reforming utility consumer protection rules to ensure that renters are protected ■ Protecting renters’ access to water service when landlords fail to pay the bill ■ Regulating how landlords bill their tenants for water
Group 3: Enabling more effective advocacy	
Data Collection and Transparency	<ul style="list-style-type: none"> ■ Requiring mandatory reporting by utilities of affordability-related data ■ Obtaining utility data through public records requests, rate-setting proceedings, and litigation
Accountability and Participation in Decision Making	<ul style="list-style-type: none"> ■ Understanding variations in water and sewer utility governance and oversight ■ Using existing opportunities to influence decisions on rates, rules, policies, and programs ■ Improving public oversight and accountability of water and wastewater utilities in order to enhance advocates’ opportunities to influence outcomes

* The term “assistance program” (or “customer assistance program”) often is used to refer to many types of programs that reduce participating customers’ bills or debt, or that make it more convenient for customers to pay their bills on-time or pay off their debt in full. In the Affordability and Assistance Programs module, however, the term is used to refer only to programs that directly reduce the size of the bill on an ongoing basis and are targeted to a discrete subset of households. As noted at the beginning of the Affordability and Assistance Programs module, other types of assistance programs are addressed elsewhere in the toolkit.

Many of the modules discuss relevant differences between systems that are regulated by state utility commissions (which are mostly investor-owned utilities) and those that are not (which are mostly publicly owned and serve the majority of the U.S. population). The module on Accountability and Participation in Decision Making provides an in-depth discussion of that topic and further distinguishes among various governance structures for publicly owned systems.

Two additional modules are forthcoming. Rather than focusing on a specific topic, they will highlight strategies that advocates have used successfully to achieve many of the policies highlighted throughout the toolkit.

WHAT IS NOT ADDRESSED IN THIS TOOLKIT?

The toolkit examines issues that directly affect household-level affordability, particularly for low-income households. It does not explore solutions that aim to reduce the total amount of money a utility must recover from its customers to operate, maintain, and improve its water and sewer system—for example, improving access to federal and state infrastructure funding, creating regional partnerships among utilities that may reduce the cost of delivering service (but which can also raise controversies over consolidation and privatization), or improving efficiency of operations (such as by reducing leakage from water distribution pipes). This is not to diminish the importance of those strategies. Indeed, any comprehensive approach to water affordability must consider whether a community's water and wastewater systems are funded, organized, and operated in ways that best enable the provision of safe, affordable water service to the community as a whole. Many other resources that address these topics are available online.⁶

The toolkit focuses on state and local policy solutions rather than federal policy. For the topics covered in the toolkit, nearly all decision making presently takes place at state and local levels. This is not to say that all problems can be solved by states and localities, that federal policy has no bearing on affordability, or that federal policy could not be used more extensively to address household-level affordability specifically. Rather, we have chosen to focus on resources for advocates who work on state and local policy. Existing federal policies or programs are mentioned occasionally, when they are directly relevant to the topics covered in the toolkit.

The toolkit does not address access to affordable water and sanitation services for households or communities that rely on private well water or on-site wastewater systems (e.g., septic systems) or for the estimated two million people in the United States who live without running water and basic indoor plumbing (and many more without sanitation).⁷ It focuses on households served by centralized drinking water or wastewater systems.

Finally, although affordable water must be safe water, this toolkit does not address issues of safe drinking water, with one limited exception. (The Water Efficiency and Plumbing Repair Assistance module includes a brief discussion of customer contributions to lead service line replacement, which directly affects household-level affordability.)

CONTRIBUTING REVIEWERS

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A NEW FILM: *WHOSE WATER? THE PEOPLE'S MOVEMENT FOR SAFE, AFFORDABLE WATER AND SANITATION IN THE UNITED STATES*

Many of the individuals who directly contributed their insights to this toolkit, and other advocates whose work influenced the toolkit, are engaged with the National Coalition for Legislation on Affordable Water (NCLAWater).

NCLAWater is a coalition of national, state and local organizations, religious institutions, legal organizations, unions and others working to win the passage of national legislation and state legislation on comprehensive access to safe, affordable drinking water and sanitation—the human rights to water and sanitation.

A new film produced by a documentary filmmaker in partnership with NCLAWater—*Whose Water? The People's Movement for Safe, Affordable Water and Sanitation in United States*—illustrates the relationships between democracy and access to safe, affordable water and sanitation, and the various forms of community organizing deployed by communities lacking the political power to obtain their human right to water. Communities visited in the film include Martin County, Kentucky; Lowndes County, Alabama; Des Moines, Iowa; Allensworth, California; Navajo Nation; Philadelphia, Pennsylvania; and Detroit, Michigan. The film tells stories of unaffordable, inaccessible, and contaminated drinking water and inadequate sanitation across the U.S. and in the Navajo Nation, along with community-driven solutions for the human rights to water and sanitation.

More information on NCLAWater and *Whose Water?*, including a film [trailer](#) and a 10-minute [video](#) on the coalition, is available at www.affordablewaternow.org.

ENDNOTES

- 1 Coty Montag, *Water/Color: A Study of Race & the Water Affordability Crisis in America's Cities*, Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, April 2019, https://www.naacpldf.org/wp-content/uploads/Water_Report_FULL_5_31_19_FINAL_OPT.pdf. For further discussion of evidence of disparate impacts, see the Background module of this toolkit.
- 2 The largest national water and sewer rate survey found that between 1996 and 2018, rates increased about 2.5 times as fast as the Consumer Price Index, a standard measure of inflation for consumer goods and services. American Water Works Association, "AWWA's 2019 Water and Wastewater Rate Survey Reveals Increasing Utility Costs Boosting Rates," May 9, 2019, <https://www.awwa.org/AWWA-Articles/awwas-2019-water-and-wastewater-rate-survey-reveals-increasing-utility-costs-boosting-rates>. Another analysis, based on census data, found that household water and sewer costs more than doubled between 2000 and 2016. See Joseph W. Kane and Lynn E. Broaddus, "Striking a Better Balance Between Water Investment and Affordability," Brookings blog, *The Avenue*, September 12, 2016, <https://www.brookings.edu/blog/the-avenue/2016/09/12/striking-a-better-balance-between-water-investment-and-affordability/>.
- 3 United Nations, "In Detroit, City-Backed Water Shut-Offs 'Contrary to Human Rights,' Say UN Experts," *UN News*, October 20, 2014, <https://news.un.org/en/story/2014/10/481542-detroit-city-backed-water-shut-offs-contrary-human-rights-say-un-experts#.WiGsEHlrXLM>.
- 4 Patricia A. Jones and Amber Moulton, *The Invisible Crisis: Water Unaffordability in the United States*, Unitarian Universalist Service Committee, May 2016, 11, https://www.uusc.org/sites/default/files/the_invisible_crisis_web.pdf.
- 5 National Consumer Law Center, *Access to Utility Service: Disconnections, Metering, Payments, Telecommunications, and Assistance Programs* (Boston: National Consumer Law Center, 2018), <https://library.nclc.org/aus>.
- 6 For example, some useful resources are collected at the following links: River Network, "State Revolving Funds Resources," accessed May 13, 2022, <https://www.rivernetwork.org/resource/state-revolving-funds-resources/>; and River Network, *Equitable Water Infrastructure Toolkit*, accessed May 13, 2022, <https://www.rivernetwork.org/connect-learn/resources/equitable-infrastructure-toolkit/>.
- 7 Zoe Roller et al., *Closing the Water Access Gap in the United States: A National Action Plan*, Dig Deep and U.S. Water Alliance, accessed May 13, 2022, http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf.