

# LDF and NCLC Urge DeKalb County, Georgia, to Delay Lifting Water Disconnection Moratorium, Implement Stronger Protections Against Shutoffs

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the National Consumer Law Center (NCLC) sent a joint letter to Michael Thurmond, Chief Executive Officer of DeKalb County, Georgia, in response to the County's recent announcement that it will lift its water disconnection moratorium and resume disconnections on July 1, 2021. In the joint letter, LDF and NCLC urge DeKalb County to maintain its moratorium until the county implements sufficient safeguards to mitigate the significant health and financial harms caused by water disconnections, uses federal COVID-19 relief funds to help residents that have been impacted by the pandemic, and addresses the persistent problems of billing errors and disputes, which prompted the establishment of the moratorium in 2016.

The letter calls on DeKalb County to improve its billing dispute process to make it more transparent, so that all residents are afforded adequate notice and a fair opportunity to dispute their charges prior to any potential disconnection of their water service. Amending the approach to billing disputes should include ensuring that residents are informed of their right to seek further layers of review, including arbitration, as is outlined in the County's own written dispute resolution procedures.

In addition, the organizations urge DeKalb County to use the emergency federal funding it received through the American Rescue Plan Act to provide across-the-board relief for struggling residents, including those suffering from utility arrearages and COVID-19-related hardships. The letter also recommends the adoption of a water affordability program in DeKalb County that ties water bills to a percentage of actual household income. This would ensure that every county resident is able to afford their water bill regardless of their income.

"The county claims to have resolved the enormous backlog of billing disputes, but we have heard from a significant number of residents that their dispute was closed without ever being resolved," **said Sarah Mancini, a Staff Attorney with the National Consumer Law Center who is based in Atlanta.** "Now residents are being threatened with a shut off if they don't pay the bill that they still believe to be inaccurate."

"DeKalb County can and should take steps to bolster the health and safety of its community members and families by ensuring their households' access to water – a basic need that is critical for people's well-being. Ending the water disconnection moratorium while the COVID-19 pandemic is still ongoing would cause additional harm to the County's vulnerable Black and low-income residents who have already been disproportionately impacted by the pandemic," **said Jason Bailey, LDF's Special Economic Justice Counsel.**

Lifting the shutoff moratorium amidst the COVID-19 pandemic, and when the economy has not yet recovered, will put many still-struggling residents at risk. DeKalb County has received \$147.5 million from the American Rescue Plan Act that could be used to bring accounts current. Yet the County's announcements related to lifting the moratorium simply tell COVID-impacted residents that they can apply for a repayment plan. NCLC has highlighted the ways state and local governments

could use COVID-19 relief funds to help residents struggling with utility bills.

In 2019, LDF released a report that explored the water affordability crisis and its devastating impact on Black communities. *Water/Color: A Study of Race and the Water Affordability Crisis in America's Cities* uses the cities of Baltimore and Cleveland as case studies to detail the spike in metropolitan water prices, as well as to highlight the link between the failure to pay a water bill and the loss of Black homeownership.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*

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*Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has worked for consumer justice and economic security for low-income and other disadvantaged people in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training.*