



ENVIRONMENTAL LAW FOUNDATION





March 18, 2020

The Honorable Governor Gavin Newsom
State Capitol Building
Sacramento, CA 9581

RE: Urgent Request -- Implement Statewide Moratorium on Water Shutoffs, Take Other Immediate Actions to Maintain Access to Water For All Californians

Dear Governor Newsom:

As organizations that work directly with frontline communities, we write to request you implement an immediate statewide moratorium on water shutoffs, and to take other immediate emergency steps to maintain and restore access to water in vulnerable communities. We provide suggested language to address drinking water issues during this crisis in the attachment to this letter.

We are hearing from residents of disadvantaged communities and low-income households that water shutoffs due to inability to pay water bills are continuing during the state of emergency. We are also hearing from residents with unsafe tap water that bottled water is very difficult to find in stores right now. **As one example, residents of communities in Tulare County currently lack access to safe water due to a change in the administrator of their state-funded bottled water delivery program, and residents have told us that it has been nearly impossible to find replacement water in local stores.** This is proving true for many small communities that depend on corner stores for day to day needs.

Access to water is a basic human right and is foundational for public health. However, vulnerable communities across California are currently facing the possibility of imminent disruption to their water service due to inability to pay. Further, many Californians presently lack access to safe drinking water due to water shutoffs, contamination or homelessness. Given that Californians are practicing social distancing, self-quarantine, and self-isolation during this state of emergency, residential water shutoffs and lack of access to safe water present a grave danger to California's ability to limit the spread of COVID-19 — not to mention the direct and dangerous impacts to any families who lose or have lost access to water.

As this Administration has recognized, frontline communities are facing severe economic impacts and many will struggle to make their rent, pay utility bills, and also afford other basic necessities.

All Californians must have access to safe water for drinking, cooking and sanitation during this crisis. Yet many Californians currently lack access to safe drinking water. **Without urgent action, we could see the situation deteriorate even more with widespread water shutoffs in the coming weeks, with devastating consequences.**

Of equal urgency, small water systems serving low-income communities will need emergency support to maintain continuity of water service as they see fewer customers capable of paying their bills. **Many small water systems may fail entirely in the coming weeks without emergency action.**

Many water systems in California have already announced voluntary suspension of water shutoffs and/or reconnections of those who previously had water shut off, including but not limited to Sacramento Municipal Utility District, the San Francisco Public Utilities Commission, and East Bay Municipal Utility District. Cities in other states have also announced temporary suspensions of water shutoffs, including cities in Oklahoma, Arkansas, Delaware, New Mexico, Georgia, and elsewhere. Detroit has identified 3,600 households whose water has been shut off for more than a year and is trying to restore service to help address the ongoing health crisis. For those systems that have not already done the right thing voluntarily, state leadership and intervention is required.

As such, we ask as a follow-up to your executive order dated March 16, 2020 that you to take the following additional actions to protect access to water for Californians:

- 1. Require immediate restoration of water service to all residential homes impacted by water shutoff before or during this state of emergency.**

- 2. Institute a statewide moratorium on residential water shutoffs during the term of the state of emergency.**
- 3. Direct the State Water Resources Control Board, with the assistance of the Office of Emergency Services, to establish emergency drinking water distribution and delivery programs to ensure that all Californians, especially those without safe tap water and those experiencing homelessness, have access to drinking water during this crisis.**
- 4. Direct the State Water Resources Control Board to provide emergency assistance to small water systems impacted by nonpayment of water bills during the state of emergency.**
- 5. Require state/local agency replacement water programs to streamline eligibility requirements and provide emergency funding as needed to make these programs accessible to as many people as possible.**
- 6. Direct the State Water Resources Control Board to suspend payments on state revolving fund loans for financially-challenged water systems.**
- 7. Direct relevant state agencies to encourage Californians with safe tap water or adequate filtration systems not to purchase unnecessary quantities of bottled water from stores, as many Californians rely on bottled water as their only source of safe water for drinking, cooking and sanitation.**

Finally, we join Housing Now! California and their partners and allies in the call for an immediate moratorium on rent increases, foreclosures, and evictions; an end to displacing unhoused encampments; prevention of utility shut-offs and a fee halt; and emergency rental and mortgage assistance. We are also deeply appreciative of the leadership of Assemblymembers David Chiu, Richard Bloom, Rob Bonta, Mark Stone, Sharon Quirk-Silva, and Buffy Wicks, as well as State Senators Scott Weiner and Lorena Gonzalez, who have joined this call for an immediate statewide moratorium on evictions, foreclosures, and utility shut-offs.

We urge your immediate action to protect access to water for every Californian.

Sincerely,

Alexander Harnden, Policy Advocate, Western Center on Law & Poverty

Analise Rovero, California Program Coordinator, Defenders of Wildlife

Andy Levine, Regional Communications Director, Faith in the Valley

Angelica Salceda, Staff Attorney, ACLU of Northern California

Arnie Sowell Jr., Executive Director, NextGen California

Ashley Crystal Rojas, Executive Director, Fresno Barrios Unidos

Aysha Massell, Director, California Integrated Water Systems, American Rivers

Betsy Reifsnider, Sacramento Policy Associate, Mono Lake Committee

Bill Allayaud, Calif Director of Government Affairs, Environmental Working Group

Brandon Dawson, Policy Advocate, Sierra Club California

Bruce Reznik, Executive Director, Los Angeles Waterkeeper

Caroline Ferrell, Executive Director, Center for Race, Poverty & the Environment

Cha Vang, Executive Director, Hmong Innovating Politics

Chione Lucina Muñoz Flegal, Managing Director, PolicyLink

Christopher Sanchez, Policy Advocate, CHIRLA

Chuck Mills, Public Policy Director, California Releaf

Cynthia Lau, Operations Manager, Environmental Justice Coalition for Water

David Runsten, Policy Director, Community Alliance with Family Farmers

DeAngelo Mack, Director of State Policy, Public Health Advocates

Elizabeth Martin, Chief Executive Officer, Sierra Fund

Eric Wesselman, Executive Director, Friends of the River

Eddie Carmona, Director of Legislative Organizing, PICO California

Elizabeth Martin, Chief Executive Officer, The Sierra Fund

Evan Minton, California State Policy & Programmatic Manager, Voices for Progress

Garry Brown, Founding Director, Orange County Coastkeeper/Inland Empire Waterkeeper/Coachella Valley Waterkeeper

Genoveva Islas, Founder & CEO, Cultiva la Salud

Heather Vaikona, President & CEO, Lift To Rise

Jackie Rutheiser, Senior Policy Advocate, California Alliance of Child and Family Services

Jacqueline Serna, Deputy legislative director, Consumer Attorneys of California

Jamie Morgan, Government Relations Regional Lead, American Heart Association

Jane Sooby, Senior Outreach and Policy Specialist, CCOF

Jaskiran Grewal, UFCW States Council

Jeanne Merrill, Policy Director, CA Climate & Agriculture Network

Jennifer Clary, Water Programs Manager, Clean Water Action

Jennifer Kalt, Director, Humboldt Baykeeper

Jessi Snyder, Community Development Manager, Self-Help Enterprises

Jessica Stender, Senior Counsel, Workplace Justice & Public Policy, Equal Rights Advocates

Jim Lindburg, Legislative Director, Friends Committee on Legislation of California

Joe Donlin, Associate Director/Director of Equitable Development, Strategic Actions for a Just Economy (SAJE)

Juan Altamirano, Associate Director of Policy, Audubon

Juliet Christian-Smith, Ph.D., Senior Program Officer, Water Foundation

Karen L. Bohlke, Director Government and External Relations, Martin Luther King Jr. Freedom Center

Linda Rudolph, MD, MPH, Center for Climate Change and Health

Margarita Rocha, Centro La Familia

Kassandra Hishida, Coordinator, Community Alliance for Agroecology

Kevin D. Hamilton, Co-Director, Central California Asthma Collaborative

Kimberly McCoy, Program Director, Fresno Building Healthy Communities

Linda Tenerowicz, California Pan-Ethnic Health Network

Lucas Frerichs, Associate Director of State Policy, The Nature Conservancy

Mark E. Carlson, Lutherans Restoring Creation - California

Mary Creasman, Chief Executive Officer, California League of Conservation Voters

Matthew Baker, Policy Director, Planning & Conservation League

Matt O'Malley, Executive Director & Managing Attorney, San Diego Coastkeeper

Michael Rincon, Policy Researcher, Physicians for Social Responsibility, Los Angeles

Miriam Gordon, Policy Director, Upstream

Nancy Halpern Ibrahim, Executive Director, Esperanza Community Housing Corporation

Nataly Santamaria, Promotora Network Manager, Visión y Compromiso

Nathaniel Kane, Staff Attorney, Environmental Law Foundation

Nayamin Martinez, Director, Central California Environmental Justice Network

Pablo Garza, California Political Director, Ecosystems, Environmental Defense Fund

Dr. Peter Gleick, member US National Academy of Sciences

Phoebe Seaton, Co-Founder and Co-Executive Director, Leadership Counsel for Justice and Accountability

Raul Barraza, Arvin Community Services District

Regina Q. Banks, Executive Director, Lutheran Office of Public Policy – California

Rico Mastrodonato, Senior Government Relations Manager, The Trust for Public Land

Samuel Molina, CA State Director, Mi Familia Vota

Sarah Aird, Esq., Co-Director, Californians for Pesticide Reform

Sarah Hutchinson, Policy Director, Interim Co-Executive Director, ACT for Women and Girls

Sean Bothwell, Executive Director, California Coastkeeper Alliance

Sergio Carranza, Executive Director, Pueblo Unido CDC

Steve Fleischli, Senior Director for Water Initiatives & Senior Attorney, Natural Resources Defense Council

Steve Shimek, Executive Director and Founder, The Otter Project and Monterey Coastkeeper

Suguey Hernández, Chief Political Strategist, Power California

Susana De Anda, Co-Founder and Executive Director, Community Water Center

Sylvia Chi, Esq., **Policy Director**, Asian Pacific Environmental Network

Tara Moran, Ph.D. Stanford University (signing in individual capacity)

Torri Estrada, Executive Director and Director of Policy, Carbon Cycle Institute

Veronica Solis, Member, la Asociación de Gente Unida por el Agua (AGUA)

Victoria Dominguez, Education Equity Director at Asian Americans Advancing Justice - Los Angeles

Yammilette G. Rodriguez, Senior Director, Central Valley, Youth Leadership Institute

CC:

- Secretary Jared Blumenfeld, California Environmental Protection Agency
- Deputy Secretary and Special Counsel for Water Policy Kristin Peer, California Environmental Protection Agency

- Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations Yana Garcia, California Environmental Protection Agency
- Secretary Wade Crowfoot, California Natural Resources Agency
- Board Chair Joaquin Esquivel, State Water Resources Control Board
- Board Member Laurel Firestone, State Water Resources Control Board
- Executive Director Eileen Sobeck, State Water Resources Control Board
- Director Mark Ghilarducci, Governor's Office of Emergency Services
- Deputy Cabinet Secretary Christine Hironaka, Governor's Office
- Deputy Legislative Secretary Rachel Wagoner, Governor's Office
- Central Valley Deputy Regional Director Maria Herrera, Governor's Office External Affairs
- Speaker Anthony Rendon, California State Assembly
- Senate Pro Tem Toni Atkins, California State Senate

Draft Language: Emergency Actions to Maintain Access To Drinking Water

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus, reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities-including water, gas, electricity, and telecommunications-at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, as needed; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase access to safe drinking water for Californians to protect public health; and

WHEREAS hundreds of thousands of Californians lack access to an adequate supply of safe water due to water contamination, water shutoffs, or homelessness; and

WHEREAS many California communities and households, due to drinking water contamination, rely on bottled water as their sole source of clean water for drinking, cooking and sanitation.

WHEREAS bottled water is presently in short supply in many California stores and communities due to COVID-19; and

WHEREAS maintaining and restoring access to an adequate supply of safe water for drinking, cooking and sanitary purposes is essential to health and safety, including prevention of the spread of COVID-19, while Californians are practicing social distancing, self-quarantine, and self-isolation during this state of emergency.

WHEREAS Small public water systems, and in particular very small public water systems or those serving Disadvantaged Communities, generally lack financial reserves to maintain regular operations through an extended interruption of timely payments from their ratepayers.

WHEREAS in Executive Order N-28-20, I requested that the California Public Utilities Commission monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

NOW THEREFORE I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8570, 8571 and 8572 do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) All water systems in the state providing residential service, as defined by Health & Safety Code § 116902(c), including without limitation public water systems and state and local small water systems, shall immediately take all necessary steps to restore all residential service. Proactive measures should be taken to ensure that restoring residential service does not increase the risk of spreading the COVID-19 virus.
- 2) No water system in the state providing residential service, as defined by Health & Safety Code § 116902(c), including without limitation public water systems and state and local small water systems, shall shut off residential service or charge late fees during the term of the State of Emergency. Water systems shall implement plans for reduced or deferred payments after the State of Emergency has ended for those who fall behind on payments during the State of Emergency.
- 3) The State Water Resources Control Board, with the assistance of the Office of Emergency Solutions, shall promptly establish emergency drinking water distribution in locations accessible to communities and households impacted by drinking water contamination and people experiencing homelessness. Such emergency drinking water distribution shall include bottled water delivery and distribution and bottled water filling stations. Proactive measures should be taken to ensure that bottled water distribution does not increase the risk of spreading the COVID-19 virus.

- 4) For any replacement water programs administered by state or local agencies, eligibility requirements and determination processes shall be streamlined (e.g., qualifying geographic areas rather than individual households), and additional emergency funding provided as needed, so that these programs are made as efficient and accessible to as many people as possible.
- 5) The State Water Resources Control Board shall monitor small public water systems and as needed shall provide them with emergency assistance to ensure continuity of water service. Emergency financial resources may be needed to maintain uninterrupted water service for items including, but not limited to: paying for electricity and supplies, contract water system operators or consultants, legal services, and/or staff salaries/wages.
- 6) Additionally, the State Water Resources Control Board shall suspend payments on state revolving fund loans for financially-challenged water systems until the end of the State of Emergency declaration.
- 7) Relevant state agencies should work to encourage Californians with safe tap water or adequate filtration systems not to purchase unnecessary quantities of bottled water from stores, as many Californians rely on bottled water as their only source of safe water for drinking, cooking and sanitation.