

Water is a Human Right: The urgent need for a water affordability plan in Baltimore

In March 2015, the city of Baltimore announced plans to shut off water service to customers with delinquent accounts owing \$250 or more with at least six months of arrears, which amounted to roughly 60,000 people.¹ Baltimore's Department of Public Works subsequently issued water shutoff notices to 25,000 delinquent residential accounts.² Although Baltimore has historically shut off about 3,000 accounts per year, out of a total of approximately 411,000 accounts, the new shutoff policy has triggered a dramatic increase in shutoffs.³ Under the new policy, the city could carry out up to 600 shutoffs per week.⁴

As of April 7, 2015, the first week of the shutoffs, the city had shut off service to over 300 households.⁵ By May 15, 2015, that number rose to 1,600 disconnected residential accounts.⁶ According to Food and Water Watch, a civil society group monitoring the shutoffs, Baltimore carried out shutoffs from April to October 2015, and during that time, "the Baltimore Department of Public Works shut off the water service of 8,055 customers. As of mid-November, it had restored service to half of those accounts, leaving 4,014 customers without water service."⁷

¹Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

²Cheryl Conner, ABC News, "Baltimore City to send water turnoff notices to 25,000 delinquent customers," (March 27, 2015), available at <http://www.abc2news.com/news/region/baltimore-city/baltimore-city-to-send-water-turnoff-notices-to-25000-delinquent-customers>.

³Wisely, John., Detroit Not Alone in Shutting off water to prod people to pay bills, Detroit Free Press. July 27, 2014, available at <http://archive.freep.com/article/20140727/NEWS01/307270078/Detroit-water-shutoffs-other-cities>.

⁴Reutter, Mark and Danielle Sweeny. "Crackdown on unpaid water bills will involve 600 shutoffs a week." Baltimore Brew. April 8, 2015, available at <https://www.baltimorebrew.com/2015/04/08/crackdown-on-unpaid-water-bills-will-involve-600-shutoffs-a-week/>.

⁵Yvonne Wenger, Baltimore collects \$1 million in unpaid water bills, Baltimore Sun. April 7, 2015, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-dpw-water-20150407-story.html>.

⁶Luke Broadwater, The Baltimore Sun, "City shuts off water to delinquent residents, hits Baltimore Co. homes hardest," (May 15, 2015), available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-water-shutoffs-20150515-story.html>.

⁷Food and Water Watch, Report to Santa Clara IHRC Regarding Current Statistics on Water Shutoffs in Baltimore, Maryland, (Nov. 23, 2015), on file with authors. At the time, according to Food and Water Watch Baltimore researcher Mary Grant, "I obtained this information by submitting a Maryland Public Information Act request to Rudy Chow, the head of the Baltimore Public Works Department. There is not a clear, simple and transparent process for submitting public information requests to Baltimore's Department of Public Works or the Office of the Mayor: There is no standard request form, no electronic submission,

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These mass shutoffs took place in a context where water and sewer service is increasingly unaffordable for Baltimore residents. Baltimore's water and sewer rates have tripled since 2000 and continue to rise.⁸ In July 2015, rates increased by another 11 percent.⁹ This increase in rates reflects the disproportionate burden placed on low-income communities as a result of insufficient State funding for water and sanitation infrastructure; the city has reported that "[t]he increases are to fund major capital improvement projects, not changes in operating costs."¹⁰ According to Food and Water Watch, water service is unaffordable for more than a third of Baltimore households, or more than 80,000 households.¹¹ One third of Baltimore households make less than \$25,000 a year, yet the average household pays about \$804 a year on water and sewer service as of April 2015.¹² Thirty-three percent of households in Baltimore are paying more than the international affordability standard of 3% of household income.¹³ Moreover, Baltimore households are billed quarterly or once every three months, making it very difficult for residents to anticipate the total cost of their water bills and more likely to become delinquent on their accounts.

Baltimore's approach to water shutoffs disproportionately targets low-income minority residents. The city reports that overdue accounts represent approximately USD

no information about how to submit these requests, and no information about to whom you submit them on the city website. It seems like it would be very difficult for a concerned resident without experience in the process to obtain the records." Subsequently, the City of Baltimore updated the website of the Department of Public Works to include information on submitting information requests, which represents an important advance in improving transparency in this area.

⁸ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

⁹ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

¹⁰ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf (citing Baltimore City (MD). "Fiscal Year 2015 Agency Detail: Board of Estimate Recommendations Volume II." April 2014 at 100).

¹¹ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

¹² Baltimore City (MD). Department of Public Works (DPW). "City of Baltimore Water and Wastewater Rates." Available at <http://publicworks.baltimorecity.gov/Bureaus/WaterWastewater/CustomersupportandServices/Rates.aspx>;

Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

¹³ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

\$40 million in lost revenue; although corporate and government accounts are responsible for USD \$15 million of that total,¹⁴ DPW has only disconnected service for residential accounts.¹⁵ Like Detroit, the majority of Baltimore's population is minority and low-income; specifically, 63% of residents are African American and nearly a quarter of residents and a third of children in Baltimore are living in poverty.¹⁶ According to data collected by Baltimore civil society group the Right to Housing Alliance, Baltimore's low-income, minority, and female-headed households are significantly more likely to experience a water shutoff than their richer, whiter counterparts.¹⁷ Accordingly, the shutoffs primarily affect low-income, minority households. Not only would it be more cost effective and equitable for the city to prioritize collecting overdue bills from business accounts, but to do so would put utilities in line with the international standards that require States to prioritize the provision of water for household use.¹⁸

As a result of water shutoffs or water lien foreclosures, a number of Baltimore residents have experienced homelessness, adding to the roughly 30,000 individuals that experience homelessness every year in the city.¹⁹ One such individual resorted to collecting rainwater in empty containers after losing his home to a water shutoff. He reported that the Baltimore police, on at least one occasion, commandeered his containers of collected rainwater while clearing a homeless encampment.²⁰ In another instance, a

¹⁴ To date, the city has not released the list of delinquent businesses. Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

¹⁵ Luke Broadwater, The Baltimore Sun, "Baltimore to send shutoff notices to 25,000 delinquent customers," (March 26, 2015), available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-water-bills-20150326-story.html>; Luke Broadwater, The Baltimore Sun, "City shuts off water to delinquent residents, hits Baltimore Co. homes hardest," (May 15, 2015), available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-water-shutoffs-20150515-story.html>.

¹⁶ Food and Water Watch, Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, (April 23, 2015), available at https://www.foodandwaterwatch.org/sites/default/files/baltimore_water_shutoff_analysis.pdf.

¹⁷ See Annex, maps from the Baltimore Right to Housing Alliance. These maps show that virtually all of Baltimore's shutoffs have taken place in areas with predominantly black, low-income, and female-headed households; in those areas with few black residents, almost no shutoffs have occurred. Households with residents over the age of 45 are also more likely to have experienced a shutoff.

¹⁸ Baltimore Must Stop Household Water Shutoffs: An analysis of key facts, figures, and trends, Food and Water Watch (April 23, 2015) online publication accessed at: foodandwaterwatch.org

¹⁹ Terrence McCoy, The Washington Post, "Baltimore has more than 16,000 vacant houses. Why can't the homeless move in?" (May 12, 2015), available at: https://www.washingtonpost.com/local/baltimore-has-more-than-16000-vacant-houses-why-cant-the-homeless-move-in/2015/05/12/3fd6b068-f7ed-11e4-9030-b4732caefe81_story.html; University of Baltimore School of Law: Community Development Clinic, Right to Water Project- Baltimore: Interviewing Those Who Experiences Shut-Offs (Spring 2016), Report forthcoming.

²⁰ University of Baltimore School of Law: Community Development Clinic, Right to Water Project- Baltimore: Interviewing Those Who Experiences Shut-Offs (Spring 2016).

small-level Baltimore landlord reported his inability to keep up with the increase in water rates, as his mostly low-income tenants were only responsible for their base rent payment. Within a year's time, all of his properties experienced shutoffs or water lien foreclosures, leaving his tenants constructively evicted and the landlord himself homeless.²¹ Numerous Baltimore residents have reported errors in billing or service. Others have emphasized the distinct hardship water shutoffs place on families with children and the elderly, many of who are on fixed incomes.

²¹ University of Baltimore School of Law: Community Development Clinic, Right to Water Project-Baltimore: Interviewing Those Who Experiences Shut-Offs (Spring 2016).