



WATER/COLOR

A STUDY OF RACE & THE WATER AFFORDABILITY CRISIS
IN AMERICA'S CITIES

OVERVIEW



A REPORT BY

THE THURGOOD MARSHALL INSTITUTE AT THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

WATER / COLOR

A Study of Race and the Water Affordability Crisis in America's Cities

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NAACP Legal Defense & Educational Fund, Inc. (LDF)

Sherrilyn Ifill, President & Director-Counsel

Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc.

Author

Coty Montag

Coty Montag is a Senior Counsel at the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the Project Manager for LDF's Thurgood Marshall Institute (Institute). Coty joined LDF in 2015 and served as the Deputy Director of Litigation until 2018. She conducted the research set forth in LDF's report during a sabbatical sponsored by the Institute.

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To obtain a copy of the report, please contact:
LDF Communications Department,
40 Rector Street, 5th Floor New York, NY 10006.

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introduction

It is difficult to overstate the importance of water. Water is life: it is essential for our health, for our food to grow, for our communities to function and thrive. Yet, critical issues like affordability and quality are often overlooked and understudied because of water's abundance in our daily lives. For most of us throughout the United States, we turn on the tap and water flows freely and cleanly. But our lack of appreciation for water is nothing new: in 1776 (a time when the delivery and supply of water was no easy feat), the "diamond-water paradox" was coined. As the paradox goes:

Nothing is more useful than water: but it will purchase scarce anything; scarce any-thing can be had in exchange for it. A diamond, on the contrary, has scarce any use-value; but a very great quantity of other goods may frequently be had in ex-change for it.

In other words, although we need water to survive, we take it for granted. This view informed how water law and policy developed in the courts: because water resources have historically been plentiful in this country (particularly on the East Coast), access to water has not traditionally been considered a fundamental right in the U.S. and has even been called a "deeply foreign" concept in American jurisprudence.

Now more than ever, this must change. The price of water has greatly increased in recent decades, and scores of communities across the nation that cannot afford to pay drastically higher rates have been plagued by service shutoffs and lien sales, leading to home foreclosures and evictions. These practices have been shown to disproportionately impact people of color. But this form of discrimination is rooted in our nation's history. For as long as our cities have been rigidly segregated by race, local officials have found ways to deprive communities of color from access to essential water services. Municipal discrimination in the provision of water services runs deep.

In recent years, there have been significant strides in recognizing the human right to water and increased attention to the ever-growing problem of water unaffordability. However, few studies have made an explicit link between race and water affordability or have interrogated the connection between the failure to pay a water bill and the loss of Black homeownership. A new report by the NAACP Legal Defense and Educational Fund, Inc. (LDF) and its Thurgood Marshall Institute (Institute) does both. LDF's report begins with a historical overview of the construction of urban water systems in the U.S. and the development of water policy from the late 18th century to the present, including a discussion of Black access (or lack thereof) to water systems and services over time. We explain the current water affordability crisis impacting Black communities and identify failing infrastructure as the biggest contributor to rising costs.

To demonstrate the disproportionate impact of rising water bills on Black communities, the report includes a review of the affordability crises in Baltimore and Cleveland. Our research demonstrates how water services are allocated in both metropolitan areas, documents the spike in water costs in recent years, and analyzes each jurisdiction's use of water liens for unpaid bills. Finally, we provide a framework for potential litigation and policy solutions to challenge water lien sales and service shutoffs that have a disproportionate impact on Black communities.

LDF and the Institute hope to equip water equality advocates with sufficient context and background about our waterworks systems and ways to challenge—and change—local government actions that impede Black access to water and sewer systems. We also wish to convey and instill an appreciation and awareness for the role water regulation has played in shaping our communities, reinforcing municipal power, and perpetuating racial inequities.



key findings

First, LDF's report examines early waterworks systems in the U.S., which revolutionized public health and defined the social contract between the American metropolis and its citizens. We conclude that the historical view of water as a public good ensured that, at least initially, cities priced their water low and did not preclude service to those who could not afford it. Despite this, many of our early waterworks were privately-owned, but not without controversy, including higher rates for customers and poor service.

Water Privatization and its Discontents

When our waterworks systems were built in the late 19th century, some were owned by local governments and others by private companies. In 1860, over half of all waterworks in the U.S. were private, although many of the largest cities had public systems. The correlation between ownership and the economic health of the city was strong: the more financially stable a city, the more likely it would retain public ownership of its waterworks.

Even in the late 1800s, there were issues with water privatization. The privately-owned companies charged customers high rates but often delivered poor service, failing to provide water in all parts of cities, sufficient water for fire hydrants or other civic purposes, or in some cases, water that was clean. As a result, at the onset of the 20th century, most Americans received water from public systems.

The 1990s heralded a reversal of sorts. Between 1993 and 2003, the number of public systems operating under private contracts nearly tripled from 400 to 1,100. But municipalities experienced similar issues with the private companies as they did in the 19th century. For example, in 1998, Atlanta granted a 20-year contract to a private company to run its municipal water system. Once the company took over, the quality of Atlanta's water suffered (turning to a rusty brown color), hundreds of waterworks employees were fired, and city funds were improperly used by the company for outside projects. The contract was "amicably dissolved" in 2003, and the city returned to public ownership.



Privatization is once again on the rise as municipalities struggle to fund water system improvements. But water privatization still generally means higher prices for customers. Food & Water Watch, a social justice organization, has determined that privately-owned water utilities charge customers, on average, 59 percent more for water service.



Of particular concern, the privatization of water supplies can have a singular and disproportionate impact on communities of color, including higher rates of service cutoffs. There are water quality issues as well: the world's largest private water company, the French firm Veolia, was sued for its role in the lead crises in both Flint and Pittsburgh.

The tide may be turning yet again, toward a renewed commitment that the provision of water is a public good, for the public good. In 2018, Baltimore became the first major city in the U.S. to ban water privatization when 77 percent of city voters approved a charter amendment declaring the water system to be a permanent, inalienable asset of the city.

Black Access to Water

Our research confirmed a clear connection between racial residential segregation and Black access to water systems.

Housing patterns helped inform Black access to water when our nation's public infrastructure was first constructed: as racial segregation at that time typically was limited to a street, or few city blocks, rather than stretching the width and breadth of an entire city ward or census tract, it was more difficult for municipalities to deny water services specifically to Black families, given the networked nature of these systems. The ensuing expansion of access to water led to an overall decline in Black mortality in the early 20th century. As U.S. cities became more racially segregated, however, localities prioritized service to white areas.

In the mid-20th century, residential segregation greatly increased in the United States, as homeownership became a reality for many white middle-class families and discrimination in both the public and private sectors restricted housing options in Black communities.

Increased patterns of residential segregation enabled municipalities to more easily deprive majority-Black neighborhoods of access to essential services, including water and sewer.

In the late 1960s, LDF pioneered an innovative campaign to equalize municipal services in Black communities throughout America, although the full reach of this effort was later limited by the Supreme Court.

Hawkins v. Town of Shaw: LDF's Campaign to Equalize Municipal Services

In 1967, LDF filed *Hawkins v. Town of Shaw*, the first-ever lawsuit challenging a municipality's discriminatory provision of public services under the Equal Protection Clause of the 14th Amendment. Shaw was a poor town in Mississippi with majority-Black population. It was also starkly segregated by race in the late 1960s. Unlike the town's white community, which had comfortable municipal amenities, Shaw's Black neighborhoods lacked water mains, fire hydrants, and sanitary sewers, and the streets were unpaved and unlit. Many Black families in Shaw still lacked indoor plumbing at the time the lawsuit was filed.

Although success was far from assured, LDF lawyers believed that they could use the 14th Amendment to challenge discriminatory living conditions, following their victory in *Brown v. Board of Education*. The case faced early challenges: after an evidentiary hearing, the district court dismissed plaintiffs' claims and rejected the existence of a constitutional right to equal municipal services.

However, LDF won the case on appeal. In two appellate decisions, the Fifth Circuit Court of Appeals determined that Shaw violated the 14th Amendment by failing to provide equal services to all of the town's neighborhoods. While the appellate decisions did not find that Shaw engaged in *intentional discrimination* in denying services to its Black neighborhoods, the legal standard at the time required only a showing of a *discriminatory effect* to prevail in an Equal Protection case. Following the decision, Shaw expanded access to public services in town.

At the time, legal analysts predicted the *Shaw* decision would have significant consequences nationwide, ensuring that Black communities would not be deprived of essential municipal services like water and sewer. However, the Supreme Court later determined that an Equal Protection claim requires plaintiffs to meet a higher standard of proving intentional discrimination, which the plaintiffs in *Shaw* were not required to demonstrate. The court's ruling has effectively insulated most local governments from lawsuits; since then, very few municipalities have been found liable for racial discrimination in the provision of public water and sewer services under the 14th Amendment to the U.S. Constitution.



Image: Man Drinking Water at "Colored" Water Cooler in Bus Terminal, Oklahoma City, Oklahoma, USA, July 1939.

Water Rates & Black Homeownership

In recent decades, the price of water has skyrocketed. Our research confirmed that failing infrastructure is the biggest contributing factor to rising water costs. Water rates vary widely among cities and regions, due to factors such as population loss and local political dynamics. Regardless, water is becoming increasingly unaffordable in communities nationwide. Of particular concern, the current accepted methodology for determining whether water is affordable (two/2.5 percent of median household income) is unsupported by social science research and may not capture the full extent to which water is unaffordable, highlighting the need for a revised, validated standard. Unsurprisingly, rising water rates are most likely to impact communities of color.

The Collateral Consequences of Water Bills: When Failing to Pay Means Losing Your Home, Your Health, Your Kid, or Your Freedom

Losing Your Home (and Your Health)

Families can lose their homes (either practically or literally) and can suffer health risks for the failure to pay their water bills.

Service Terminations

In recent years, water shutoffs have significantly increased as utilities have become more aggressive in their collection practices, particularly after the Great Recession when many cities struggled financially. As noted by the Environmental Protection Agency (EPA), a water service cutoff is tantamount to an eviction in some instances, as the home may be deemed uninhabitable. In one extreme example, the city of Easton, Pennsylvania had a policy of evicting residents when their water service was disconnected for nonpayment. The restoration of service required a code inspection and repair of any code violations, which low-income households often could not afford. (The city has since changed its law.) Water shutoffs also pose a threat to public health and human dignity. Without access to running water, families are unable to cook, bathe, clean, or flush their toilets. Additionally, families may forego medical expenses or food in order to pay their water bills.

Detroit is the most well-known example of a city facing a water shutoff crisis. In 2014, approximately 44,000 households in the city had their water service disconnected for nonpayment of bills. With the ACLU of Michigan, LDF advocated for a moratorium and expressed grave concern about the policy's racial impact. Despite this advocacy, and the international attention given to the shutoffs, they have continued—in 2016, there were 28,000 service interruptions and nearly 18,000 were at risk of losing service in Detroit in May 2018.

But Detroit is not alone. Among other examples, about one in five customers in New Orleans and Gary, Indiana experienced disruptions to their water service in 2015, and about one in eight customers lost water in Birmingham, Alabama and Youngstown, Ohio. More recently, a 2019 joint study by APM Reports, Great Lakes Today, and National Public Radio found that utilities in Chicago, Cleveland, Milwaukee, Detroit, Buffalo, and Duluth collectively issued nearly 370,000 shutoff notices over the last decade.

Water Liens

We determined that there is a process in every state for local governments to place liens on homes for unpaid water or sewer bills, including for unpaid debt of just a few hundred dollars. In many states, a water or sewer lien can lead to foreclosure and eviction. These liens have a potentially devastating impact on homeownership rates and have been shown to disproportionately impact communities of color.

While most are familiar with Flint's water contamination crisis, the city's water lien crisis has not garnered as much attention. In 2017, about 8,000 Flint homeowners were warned that they were at risk of losing their homes through tax foreclosure for failure to pay their bills for (contaminated) water. LDF, once again in collaboration with the ACLU of Michigan, persuaded the city to suspend efforts to place property liens on homes with unpaid water bills. While Flint resumed its water lien practice in 2018, the city agreed in 2019 not to place liens on owner-occupied properties and the Genesee County treasurer has stated that she will not proceed with any foreclosures based on unpaid water bills while Flint is under a water emergency. LDF continues to monitor this situation. Further advocacy may be needed to ensure that Flint residents are not at risk of losing their homes due to unpaid water bills.

Losing Your Family, or Your Freedom

In many states, the lack of water service may impact custody of one's children. For example, in Michigan, the lack of running water is a factor in determining whether parents are providing a suitable home for their children. In some states, the inability to pay for water and sanitation services can lead to criminal charges or other legal action.





city studies

Baltimore, Maryland

To demonstrate the disproportionate impact of rising water bills on Black communities, LDF's report examines the current water crises in Baltimore and Cleveland. We determined that Baltimore's water affordability crisis has, and will continue to have, a disproportionate and detrimental impact on the city's Black neighborhoods.

Baltimore's Water Affordability Crisis

Just over 60 percent of Baltimore's population is Black. Building on a prior study by economist Roger Colton for Food & Water Watch, LDF examined to what extent water bills will be unaffordable for Baltimore's Black population in fiscal years 2019 and 2020. To conduct this analysis, LDF used Mr. Colton's projections that water and wastewater bills for Baltimore customers will average \$860.96 in 2019 and \$938.45 in 2020 and compared those figures to the two percent affordability threshold and Black median household income in the city.

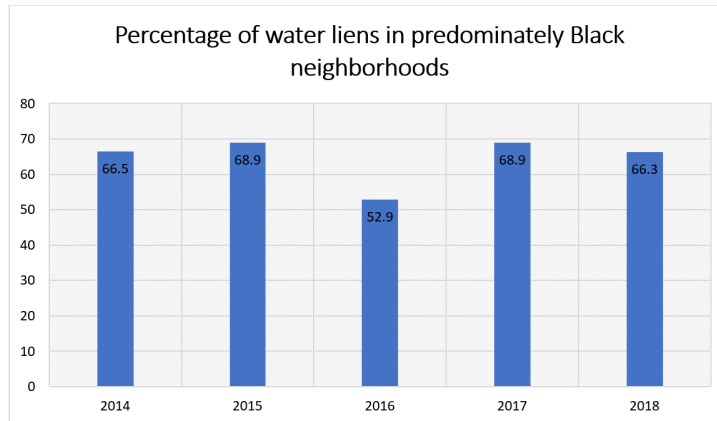
In 2019, water bills in Baltimore will exceed two percent of Black median income in 118 of the city's 200 census tracts. Sixty-five percent of the Black population in Baltimore lives in these tracts. In five tracts, four of which are majority-Black, water will cost six to eight percent of Black median income.

In 2020, water bills will exceed two percent of Black median income in 131 of 200 census tracts. Only 23 of the 131 tracts are not majority-Black. In eight tracts, seven of which have a majority-Black population, water will cost six to eight percent of Black median income.

Until recently, Baltimore regularly placed liens on homes for unpaid water bills as low as \$350, which contributed to an overall decrease in homeownership in the predominantly Black city. Legislative efforts at the state and city level, spearheaded by water equality advocates, bring the promise of much-needed reforms to address the water crisis in Baltimore.

Cleveland, Ohio

Property liens for unpaid water bills as low as \$300 are a massive problem in Cleveland. In Cuyahoga County, where Cleveland is located, more than 11,000 water liens were placed on properties between 2014 and 2018. LDF found that most water liens placed on homes in Cuyahoga County are located in majority-Black neighborhoods, which may lead to a devastating loss of home ownership in these communities.



Water Liens in Cuyahoga County

While only 30.5 percent of Cuyahoga County's population is Black, LDF found that the vast majority of water liens are located in predominantly Black neighborhoods:

- In 2014, 66.5 percent of water liens were located in majority-Black census tracts.
- In 2015, 68.9 percent of water liens were located in majority-Black tracts.
- In 2016, 52.9 percent of water liens were located in majority-Black tracts.
- In 2017, 68.9 percent of water liens were located in majority-Black tracts.
- In 2018, 66.3 percent of water liens were located in majority-Black tracts.

Nearly 60 percent of the county's population is white, but in each year examined by LDF, only 18 to 23 percent of liens were located in majority-white neighborhoods.

Cleveland Water also disconnects water service to thousands of delinquent customers every year. City officials have explained to local advocates that, to maximize efficiency, they prioritize utility shutoffs by targeting households with overdue balances in close proximity to one another. This potentially penalizes predominantly Black and low-income neighborhoods, effectively making no distinction between an account in arrears for a few thousand dollars, or just a few hundred.

Compounding these problems, for at least a decade, Cleveland's water department has been troubled by issues like billing glitches, customer service issues, and a faulty process for customers to contest their bills. LDF found that Cleveland's Water Review Board seldom grants complainants a hearing and even fewer ever see any adjustment in their bill. For example, while customers requested 207 hearings in 2018, only 33 were held. Of the hearings that were held, 28 percent of customers received no relief, and 26 percent received only a payment plan—with no bill adjustment—to pay off their debt.



Water Problems in Cleveland

Cleveland's water billing and dispute resolution issues are exemplified by one resident's story. Karen lives in a majority-Black suburb of Cleveland serviced by the Cleveland Division of Water. Karen normally uses less than 500 cubic feet of water per quarter, and her monthly water bill normally runs around \$40. But, in the spring of 2014, Karen received an unexpectedly large bill. Cleveland Water claimed that she used approximately 14,000 cubic feet of water—enough to fill several swimming pools—and charged her nearly \$1,800.

Karen called Cleveland Water to dispute her bill, but she was told that she must have a leak and that she had to pay the bill. Cleveland Water did not tell her there was a formal process for disputing bills: the Water Review Board Hearing process. Instead, she learned about the board from an acquaintance. She called back to request a hearing and was told to wait until she received a shutoff notice.

While Karen waited for her shutoff notice, she hired a plumber, at her own expense of \$285, to inspect her property. The plumber found no leaks. This wasn't surprising: the amount of water Karen was alleged to have used was almost a physical impossibility. It would have submerged every square foot of her home in water more than 13-feet deep. Karen thought this was obviously a billing error and it would be corrected by the Water Review Board.

When Karen got her shutoff notice, she requested a board hearing and was given a date. She arrived on her appointed date, with a certification from the plumber in hand, and was told there was no hearing that day. She showed the Cleveland Water staff her paperwork and, apparently realizing their mistake, they gathered the Water Review Board for a hearing.

Despite all of the factors on Karen's side—her plumber's certification, her consistent water use before and after the billing period in question, and the physical implausibility of the claimed use—the Water Review Board refused to budge. The board's only concession was a payment plan to settle her inflated bill over time.

Karen made payments over the following year, eventually paying off the balance. This was a challenge for Karen given her income: at the time she received veteran disability benefits and worked part-time while attending school. Cleveland Water's obviously erroneous billing, followed by its stubborn refusal to acknowledge its error, typifies many people's experience with these grievance processes.



framework for change

Litigating Water Availability

LDF's report concludes that litigation may be viable and appropriate to address municipal water practices, including water liens and service disruptions, which disproportionately impact Black communities.

Due Process Claims

The 14th Amendment to the U.S. Constitution provides that a state may not “deprive any person of life, liberty, or property, without due process of law.” Due process claims can be procedural (addressing the right to notice and a hearing before a deprivation) or substantive (deprivations of life, liberty, or property arising from governmental actions). Water equality advocates could consider both types of claims to address actions by municipalities related to water affordability.

For example, a procedural due process claim could be filed to address a municipality's failure to provide sufficient means for customers to dispute their bills prior to taking action against them for arrears, including water service terminations or liens. The Supreme Court has held that water services provided by public utilities are considered property interests for procedural due process purposes, but recent litigation challenging the Detroit water shutoffs demonstrates the often-complicated nature of these claims.

The Detroit litigation also raises a key question: given its essential nature, should access to safe and affordable drinking water be treated as a constitutional right? Several legal scholars have argued in the affirmative, and while this claim was not successful in the Detroit case, advocates should continue to strategize on ways that courts may eventually recognize a substantive due process right to affordable water.

Intentional Discrimination Claims

Some actions by local governments—such as disconnecting water service to delinquent customers who live in majority-Black neighborhoods (but not disconnecting delinquent customers in white areas) or differing policies for how water liens are sold in Black neighborhoods versus white areas—could give rise to a suit for intentional discrimination under 42 U.S.C. § 1981 (Section 1981), 42 U.S.C. § 1982 (Section 1982), and/or the Equal Protection Clause of the 14th Amendment. Section 1981 prohibits race-based discrimination in the making and enforcement of contracts and has been held to apply to claims challenging the discriminatory denial of municipal services. Section 1982 prohibits race-based discrimination related to all real and personal property, including discriminatory municipal action benefiting white property owners but not Black owners. The Equal

Protection Clause prohibits a state from denying any person within its territory the equal protection of the laws and is also available to plaintiffs seeking to challenge governmental discrimination in the housing market.

These claims require a showing of discriminatory intent and evidence that the allegedly discriminatory actions were conducted pursuant to an official policy or could be considered a custom or practice by a final policy-maker in the municipality. Courts evaluate these claims under the standard set forth by the Supreme Court in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*

Title VI of the Civil Rights Act of 1964

If an individual has evidence of intentional acts of discrimination by a municipality, they could also file suit under Title VI of the Civil Rights Act of 1964 (Title VI), which requires recipients of federal funds to administer their programs in a non-discriminatory manner. Most municipalities receive federal funding to support their water programs and thus are covered by the statute. Private parties who file Title VI claims in court must prove intentional discrimination in order to prevail.

An individual could also file an administrative complaint under Title VI with the EPA, alleging that the municipality engaged in intentional discrimination or that its actions had a discriminatory effect on a protected class, known as the disparate impact theory of discrimination. LDF has regularly filed Title VI complaints. However, the EPA has an abysmal record in handling civil rights complaints.

The Fair Housing Act

Enacted 51 years ago, the Fair Housing Act (FHA) prohibits housing discrimination on the basis of race and other protected categories. The statute was intended to eliminate racial residential segregation and foster integrated housing patterns for the benefit of all Americans. The FHA, which permits disparate impact claims, could be used to challenge water lien sales and water service shutoffs that disproportionately impact Black communities. For example, a plaintiff could argue that a city's water lien or service cutoff practices are chiefly centered in predominantly Black neighborhoods and could lead to an increased risk of foreclosure and eviction, violating the FHA. While no case has ever been filed to date specifically challenging water lien sales or water shutoffs as discriminatory under the FHA, the statute provides favorable and meaningful opportunities for litigation.

State Fair Housing Acts or Civil Rights Statutes

All states (save for Mississippi) have laws that provide for fair housing, often encompassed within a more comprehensive statute pertaining to civil rights. In addition to pursuing a claim under the federal FHA, a potential plaintiff may want to include the state statute as well. The state law may be broader than the FHA in defining protected classes.

State Laws Regarding Unfair and Deceptive Practices

State statutes prohibit unfair or deceptive acts and practices, which could apply when a municipality disconnects water service to customers.

State Contract and Tort Theories

Utilities could also be liable for potential contract or tort actions. Utilities have a duty to serve their customers, including residents living within their service area who are willing to comply with the utility's rules and regulations. Pursuant to this duty, utilities must provide adequate and reasonably efficient service, on reasonable terms, without unjust discrimination, and at reasonable rates. Utilities also owe a duty of care to provide continuing service to their customers, who are entitled to courteous treatment from providers.

Human Rights Framework

In recent years, the United Nations and some states and cities in the U.S. have identified water as a human right. Emphasizing this right may provide a valuable framework in litigation challenging unfair water practices, although the federal government has not yet recognized the legal entitlement to water.

Despite the lack of a federal cause of action, human rights principles can and should be used by water equality advocates in litigation and policy advocacy. For example, LDF emphasized the human rights issues at stake in its advocacy to halt the Detroit water shutoffs in 2014.

Policy Recommendations

LDF's report also offers potential policy solutions to make water more affordable for Black communities.

Water Lien Sales

Advocates should promote state or local legislation banning lien sales based solely on unpaid water or sewer bills, for both homeowners and renters. At a minimum, homeowners and tenants who are part of vulnerable populations, such as the elderly or people with disabilities, should be exempted from water lien sales.

Water Service Terminations

Utilities should be barred from disconnecting water service for unpaid water and sewer bills, particularly for arrearages below a certain threshold amount. They should also be prevented from disrupting service on a per-neighborhood basis, which can result in disparate outcomes based on race in cities with highly-segregated housing patterns.

Customer Assistance Programs

Utilities should be required to offer customer assistance programs to help low-income and other vulnerable populations pay their water bills, based on a model program in Philadelphia. Affordability programs should be tailored to meet the needs of the relevant customer base and ensure that residents are charged for water or sewer service based on their actual ability to pay.

Billing Practices

Utilities must take steps to ensure that bills to customers are accurate and promptly correct errors. They should also be required to consider and implement other billing changes to aid customers in paying their bills, such as monthly billing and payment plans with no down payments.

Data Reporting

Utilities should be required to engage in mandatory data collection and public reporting on rate increases, arrearages, service terminations, and water lien sales. Data collection should include geographic and demographic information as applicable.

Ban on Privatization

States and localities should consider legislation to prohibit the sale of public waterworks systems to private companies, like Baltimore recently enacted.

Right to Water

States and localities should pass legislation establishing affordable, potable water as a human right.

Federal Legislation

The need for national legislation guaranteeing a right to affordable and clean water is paramount. Any proposed legislation must require states to enact customer affordability programs for low-income residents. It should also prohibit water service cutoffs for nonpayment for vulnerable populations and ban lien sales based solely on water or sewer debt.

Federal Funding

Advocates should also request increased federal funding for municipalities to aid with costly infrastructure improvements and to assist low-income families with water bills.

Further Research

There are various research topics related to water affordability that advocates should consider pursuing. Given that the most common benchmark for water affordability (a percentage of median household income) has been widely criticized and may not be supported by social science research, advocates should determine a more appropriate and validated metric to accurately measure the affordability of water and wastewater bills. Additionally, while every state has a process for placing liens on homes for unpaid water or sewer debt, further investigation is needed to determine which jurisdictions across the nation are enforcing these punitive laws. More research is also needed on the lasting effects of water lien sales on communities of color, such as foreclosure and eviction rates.

conclusion

Water equality advocates must continue to fight to alleviate the burden of water unaffordability on Black communities. When appropriate, litigation and legislative reform should be aggressively pursued to tackle water injustices in communities across the nation. Regardless of the form of advocacy, we must continue to bring attention to the disproportionate impact of water unaffordability on Black families and the corresponding—and potentially devastating—loss of homeownership in communities of color.

**Supporting citations can be found in LDF's full report, [Water/Color: A Study of Race and the Water Affordability Crisis in America's Cities](#)*

LDF THURGOOD MARSHALL INSTITUTE

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The NAACP Legal Defense and Educational Fund, Inc.

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) is the first and foremost civil and human rights law firm in the United States. Founded in 1940 under the leadership of Thurgood Marshall, LDF’s mission has always been transformative—to achieve racial justice, equality, and an inclusive society. LDF’s victories established the foundations for the civil rights that all Americans enjoy today.

This report was produced in collaboration with LDF’s Thurgood Marshall Institute. Launched in 2015, the Institute is a multidisciplinary center within LDF. The Institute complements LDF’s traditional litigation strengths, arming LDF with dedicated support for three critical capabilities in the fight for racial justice: research and targeted advocacy campaigns.