

March 25, 2020

Dear Governor Whitmer:

We thank you for the steps you've taken thus far to protect the health and safety of Michigan residents during this global pandemic. As members of the Michigan Energy Efficiency For All (MEEFA) coalition, we write today to urge you to take on additional leadership on the following topics:

- Strong statewide utility shut-off protections and reconnection policies
- Energy efficiency and energy assistance continuity and expansion
- Safely ensuring access to clean water
- Strong eviction and foreclosure protections coupled with critical rental and mortgage payment assistance
- Increased access to internet and phone service

MEEFA's work has focused on making Michigan's affordable housing healthy, affordable and energy efficient. For the past six years, the work of the coalition has drawn in stakeholders from the affordable housing, financing, utility, regulatory, state agency, clean energy advocacy, energy efficiency, health, environmental justice and low-income advocacy arenas. This letter has been influenced by those conversations and includes signatures at the end from MEEFA coalition members.

We are concerned about the tens of thousands of Michiganders whose access to these essential services has been impacted by the COVID-19 emergency and who live daily with the threat of eviction or foreclosure. Prior to the onset of this pandemic, many thousands of Michiganders were living with the burden of shut-offs of water, electric or gas service due to an inability to pay and the threat of eviction or foreclosure. Now we are seeing widespread loss of jobs and wages across the state which is growing the numbers of residents who can no longer afford utility, rental or mortgage payments despite access to those services being essential to the containment of the virus and the protection of our communities, such as running water for handwashing and a home to shelter in.

Utilities in Michigan have instituted critical measures voluntarily and to varying degrees. Consumers, DTE and other Edison Electric Institute member utilities placed a moratorium on shut-offs for electric and gas services. And thanks to you and your administration, water services are slowly being restored to many Detroiters who have previously been shut off and tenants are protected across the state from evictions. Additionally, Wayne County has placed a moratorium on evictions and foreclosures.

But more should be done to protect those most vulnerable and to avoid the current patchwork of utility and local government responses that leave many Michiganders with little to no protections during the emergency.

We urge you to implement the following recommendations via executive action:

- 1) **Implement a moratorium on all electricity, gas and water utility shut-offs, waiver on all late payment charges, temporary suspension of billing or relief funds for low-wealth customers, and no-cost reinstatement of any services that have already been cut off due to nonpayment.** A number of state governments have ordered disconnection suspensions statewide on either electricity or water utilities and, in some cases, both, including Connecticut, Kansas, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Ohio and Wisconsin. While some utilities in Michigan have placed a moratorium on shut-offs and are offering no-cost restoration options, not all utilities have taken this step. It is critical that restoring utility service is also included as a response to the crisis, especially water service. A statewide response is needed to avoid this patchwork of protections and to ensure it applies to all utilities -- investor-owned, municipal and cooperative. Additionally, many of the utility moratoriums only apply to customers who are low-income qualified and seniors. However, we know many Michiganders who are not low-income qualified are seeing an erosion of their ability to afford utility bills due to lost wages and lost employment. Moratoriums should be extended to cover all residential customers during the emergency. We also urge you to ensure utilities are waiving late payment fees to all customers and temporarily suspending billing or creating a bill payment relief fund for services for all low-income, sick and senior customers during the crisis and the immediate recovery period following. Maryland Governor Larry Hogan took the step to suspend all utility late fees. At a minimum, Michigan should follow suit. Without addressing the accrual of back payments and fees, we are concerned that many customers would face mountains of utility debt when the emergency has passed, and that we as a state could see a mass shut-off of utility services. We also recommend flexible credit and debit collection during the crisis and the immediate recovery period after, including the suspension of the use of liens as a collection tool. To help ease the burden when the moratoriums end, all payments that accrue while Michigan is under a state of emergency should be waived for these customers. These policies should be extended to cover the recovery period following the state of emergency as well. Communication about new policies should be clear and made available in multiple languages.
- 2) **Require the Michigan Public Service Commission to lead a stakeholder process to create continuity plans for energy efficiency programs, energy assistance, and the energy workforce during the crisis.** The energy efficiency sector, like all other sectors of the economy, has experienced severe disruption. However, as residents are being advised to stay home, it is increasingly important that the homes they are staying in are safe, comfortable, healthy and efficient. We should be planning to create continuity within the energy efficiency, weatherization and assistance programs, particularly for those who serve low-income residents. This process should also ensure continuity of energy efficiency and related program dollars flowing to workers and agencies administering and delivering energy efficiency, energy assistance and other

complementary programs. That way we can ensure there is a plan in place to jumpstart this critical work once the immediate emergency has passed. The MPSC process should be inclusive and open to all interested parties.

- 3) Deploy additional state resources to safely restore water service to thousands of Michiganders who are still disconnected.** While Detroit is working with its existing staffing resources to restore water services to some households that have been disconnected, it is clear that this process is progressing too slowly to ensure all Michiganders have access to the flowing water necessary to safeguard their health. Reporting from groups on the ground in Detroit indicates that the Detroit Water and Sewerage Department (DWSW) is offering to reconnect about 3,000 of 9,500 households without running water because the utility is focusing on reconnecting those households that were recently disconnected. As of March 23, Detroit had only restored water service at [679 homes](#). According to the Centers for Disease Control, adequate handwashing is critical to preventing the spread of the disease, which further emphasizes why all Michigan households must have access to water service right now. People's Water Board and other community groups working on the ground in Detroit to help residents who still lack water are [urging you](#) to tap into the logistical and technical expertise of the National Guard and deploy water system experts and plumbers from other parts of the state to augment and speed up the efforts to safely restore water services. An additional concern is that, currently, the onus is placed on shut-off households to call and request reconnection. We encourage you to require DWSD to review shut-off records at least back to 2014 and make every effort to reach all those households that might still be occupied. If DWSD claims they do not have these records, they must track them down through Homrich or other contractors who shut the water off at these homes. This is not just a Detroit problem. It is estimated that more than 5,000 Flint homes still lack running water. Parallel efforts should be underway in Flint, Highland Park, Benton Harbor and other low-wealth communities.
- 4) Ensure all residents with restored water have the information they need to protect their health from lead and other waterborne contaminants.** Public health must be safeguarded when water is restored. The threat of lead and bacterial contamination of water increases when water has been shut off for lengthy periods of time. The Department of Environment, Great Lakes and Energy has issued guidance to public water systems on flushing and other measures that must be taken to protect the health of Michiganders when water is restored. We must ensure that guidance is thorough. We need to ensure residents have access to that guidance and that the water systems and plumbers who are restoring water service are informing residents of those protective measures they need to take when water is being restored.
- 5) Create public water stations in Detroit, Flint and other cities with large populations of residents who are still disconnected from water service and provide cleaning supplies and disinfectants to residents free of charge.** While water is being slowly restored, many thousands of Michiganders still do not have access to water in their homes. Community groups like People's Water Board have [requested](#) that you ensure there are public sites where disconnected residents can access water and disinfectant

supplies. Further, water deliveries should be made to homes lacking the capacity to pick up water from distribution sites. We strongly support this ask and urge you to implement it using your executive authority. Bottled water is in high demand and many groups that have been serving as lifelines for disconnected residents by purchasing and delivering bottled water to their homes are finding it more and more difficult to find stores with bottled water still available. Additionally, the shelter in place order now makes this work impossible. The burden should not be borne by local community residents. The government should step in and create water pickup locations in communities where a significant portion of residents are without access to safe, clean water.

- 6) **Strengthen the statewide moratorium on evictions and institute a statewide moratorium on foreclosures until at least 60 days after the state of emergency has ended.** The ban on evictions should be related to nonpayment of rent, arising out of a substantial decrease in household or business income, substantial child-care expenses, or substantial out-of-pocket medical expenses caused by COVID-19 or any government response to COVID-19. The moratorium on evictions should include a moratorium on all filings, hearings and enforcement of previously ordered evictions. Additionally, all late fees and interest should be waived and no previously accumulated interest or late fees should be allowed to compound during the crisis. Include penalties and enforcement for any moratorium violators.
- 7) **Provide rental and mortgage payment assistance for low-income residents and to residents who have recently lost work or income due to the crisis.** Specific rental and mortgage assistance funds should be created. These funds would help ensure that all renters can afford their housing costs without taking on additional debt and that building owners have the resources necessary to continue to maintain their properties. The creation of such funds are necessary to prevent mass foreclosures and evictions at the end of the crisis. Eviction moratoriums without rent relief or cash assistance puts renters in a deeper crisis in the future while harming rental housing providers. If housing payment assistance is insufficient, enact a rent and mortgage holiday or freeze for low-income residents of all publicly and privately owned properties, suspending rent and mortgage payments in full and for the duration of the state of emergency and the entire recovery period.
- 8) **Provide operating assistance for affordable housing properties.** The state should create a fund to provide grants to housing providers so building owners can cover operating expenses, including mortgage payments, to prevent losing rental buildings which are critical to provide housing to under-resourced communities.
- 9) **Increase access to internet and phone service for all households.** Encourage all internet and phone providers to suspend disconnections, expedite free reconnections and eliminate late payment penalties. During this crisis, phones and the internet can serve as a vital connection to pandemic information, support networks and essential services. We've also seen certain providers offering free wi-fi hotspots, pausing data plan charges, and offering increased access to unlimited data options during the state of emergency.

We thank you for the actions that you and your administration have taken to respond to this unprecedented health and economic emergency. We know there are hard times ahead for Michigan as a state. As you continue to work to address the crisis, we urge you to focus heavily on those most vulnerable and to ensure all Michiganders have access to the lifesaving utility services and shelter they need to protect themselves and their families.

We offer these additional COVID-19-related resources for your guidance and reference:

- [Energy and Policy Institute COVID-19 Utility Response Tracker](#)
- [Energy Efficiency for All Policy Responses Tracker](#)
- [Housing Matters: When Pandemic Hits, Pausing Evictions Can Help Renters and Landlords—But It's Not Enough](#)
- [MI COVID-19 Community Response Letter](#)
- [NAACP COVID-19 Equity Implications & Considerations](#)
- [NARUC State Response Tracker](#)
- [NRDC Ensuring Access to Energy More Important than Ever](#)
- [NRDC Michigan Must Restore Water to All Homes During COVID-19 Crisis](#)
- [NRDC Suspend Shutoffs of Essential Utility Services in Crisis](#)
- [How Housing Matters Brief on Rental Assistance](#)
- [National Consumer Law Center Consumer Protections](#)
- [National Housing Law Project Protecting Renter & Homeowner Rights](#)
- [People's Water Board Appeal Letter](#)

CC:

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