

# **SB0710\_Water\_Uilities\_Shutoff\_Protections\_MLC\_FAV**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0710 WATER UTILITIES SHUTOFF PROTECTIONS

**Bill Sponsor:** Senator Washington

**Committee:** Education, Energy, and the Environment

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0710 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

It has sadly become more common for water utility companies in Maryland to shut off water to a residence because of unpaid water bills. In some cases, the property is sold in a tax sale for unpaid water bills.

Our members understand and appreciate that the water utilities are not offering a free service and that they have expenses that must be paid for. However, it is completely unacceptable to sell someone's house out from under them because they have not paid their water bills. Nonpayment is generally due to the individual having extenuating circumstances and some compassion seems to be in order.

This bill, if enacted, would prohibit water utilities from selling property due to unpaid water bills. It would also prohibit them from shutting off the water in residences where the individual has a significant medical condition that would worsen due to the shutoff; or if the individual is over 65 and their income is less than 50% of the median income in the area; or if the individual has a physical, cognitive, or medical impairment.

Our members think this shows compassion to people who already have difficulties but it does not preclude the utilities from temporarily shutting off water for reasons of health or safety or in a state or national emergency.

We support this bill and recommend a **FAVORABLE** report in committee.

# Written Testimony on SB 710.pdf

Uploaded by: Louise Carwell

Position: FAV



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**Senate Bill 710  
In the Senate Education, Energy and the Environment Committee  
Water Utilities Shutoff Protections  
Hearing on February 29, 2024  
Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written testimony on SB 710 in response to a request from Senator Mary Washington.*

MLA has been representing low-income homeowners in foreclosure, tax sale and other consumer matters for over 100 years. SB 710 would increase the ability for the state and localities to limit water shutoffs in a crisis and would limit the ability for the state and localities to shut off a citizen's water when extenuating circumstances are present. Because SB 710 would prevent water utility shutoffs for low-income homeowners and renters in Maryland, MLA testifies in strong support of SB 710.

The U.S. Environmental Protection Agency defines water unaffordability at more than 2 percent of household income<sup>1</sup>. The Maryland Advisory Committee to the U.S. Committee on Civil Rights found that “[u]nder this definition, water is unaffordable across the state of Maryland. In fact, for households at 50 percent of the federal poverty rate, water is only affordable in three of the state’s 38 PUMAs (Public Use Microdata Areas)<sup>2</sup>.”

Water and sewer service rates have increased sharply in recent years. The increasing cost is not isolated to Baltimore City, where repair of aging systems drove up rates by 30% between 2019 and 2021 and will continue to push rates by 3% annually from 2022 through 2025<sup>3</sup>. Facing similar infrastructure and budget needs, WSSC implemented back-to-back rate hikes of over 6% over the past two years in Montgomery County and Prince George’s County<sup>4</sup>. Last year, the private company Maryland Water Service, Inc.’s 3,500 customers faced rate hikes of 30% in Bel Air and Joppa, 68% in Cumberland, and 255% in Severn<sup>5</sup>.

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<sup>1</sup> Maryland Advisory Committee to the U.S. Commission on Civil Rights, *Water Affordability in Maryland* 10 (July 2022), <https://www.usccr.gov/files/2022-07/md-sac-water-affordability.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Colin Campbell, “Baltimore water rates will increase 30 percent in next three years,” *The Baltimore Sun*, Jan. 9, 2019, <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-water-rate-hike-20190109-story.html>; Baltimore City Public Works, FY 2023-2025 Water/Sewer/Stormwater Rates.

<sup>4</sup> Steve Bohnel, “County Council recommends up to 7% increase in WSSC water rates for upcoming year,” *MoCo360*, Nov. 1, 2022, <https://moco360.media/2022/11/01/county-council-recommends-up-to-7-increase-in-wssc-water-rates-for-upcoming-year>.

<sup>5</sup> Elizabeth Janney, “Proposed Water Rate Hike In Bel Air Prompts Hearing,” *Patch.com*, Feb. 7, 2022, <https://patch.com/maryland/belair/proposed-water-rate-hike-bel-air-prompts-hearing>.

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While federal dollars have recently become available for water bill assistance, first through the CARES Act and presently in the form of the Low Income Household Water Assistance Program, localities must anticipate that federal funding will taper off or fail to cover the full extent of need. It will be necessary for localities to innovate long-term affordability mechanisms.

Because SB 710 would limit the situations in which water could be shut off for low-income residents of Maryland, MLA testifies in strong support of SB 710. If you have any further questions, please contact Louise Carwell at (410) 951-7786 or via e-mail at [lcarrowell@mdlab.org](mailto:lcarrowell@mdlab.org).

/s/Louise Carwell

Louise Carwell

Chief Attorney, Housing and Consumer Law Unit, Baltimore City

Maryland Legal Aid Bureau

# **SB 710 Water Utilities Shutoff Protections\_FAV\_AAR**

Uploaded by: Tammy Bresnahan

Position: FAV



One Park Place | Suite 475 | Annapolis, MD 21401-3475  
1-866-542-8163 | Fax: 410-837-0269  
aarp.org/md | md@aarp.org | twitter: @aarpm  
facebook.com/aarpm

**SB 710 Water Utilities Shutoff Protections**  
**Senate Education, Energy, and Environment**  
**FAVORABLE**  
**February 29, 2024**

Good afternoon, Chair Feldman and members of the Senate Education, Energy and the Environment. I am Tammy Bresnahan, Senior Director of Advocacy for AARP Maryland. AARP Maryland advocates on behalf of two million Marylanders age 50 and over. We support SB 710 and thank Senator Washington for sponsoring this important piece of legislation.

SB 710 establishes various restrictions relating to the authority of a “water utility” to shut off water or sewer service to a customer. A water utility may not shut off service for nonpayment of overdue bills for specified protected customers and individuals. The bill also generally prohibits a county or county tax collector from selling real property solely to enforce a lien imposed for unpaid water, sewer, or sanitary system charges, fees, or assessments. The bill makes other related and conforming changes.

AARP encourages policymakers to make sure there is adequate, potable, and affordable water for everyone.

Universal service in water includes extending service to those communities that currently lack or have inadequate water and sewer service. Infrastructure financing should consider affordability and the additional needs of households with lower incomes.

In addition, we encourage policymakers to create assistance programs to ensure that all households with low incomes can afford adequate water and sewer service. These programs should be fully funded. Customers should automatically be enrolled in water assistance programs when they enroll in other income-based financial assistance programs with similar qualifying criteria.

And finally, we encourage policymakers to:

- prohibit utilities from disconnecting or refusing to reconnect water service to households with low incomes when weather conditions or a public health emergency threaten health or safety, and
- provide financial assistance for plumbing repairs and efficiency measures for households with lower incomes.

For these reasons, AARP Maryland ask the committee for a favorable report on SB 710. If you have questions or need follow up, contact me at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) or call 410-302-8451.

**2024-02-28 MAMWA Ltr SB 710.pdf**

Uploaded by: Lisa Ochsenhirt

Position: FWA



# Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7<sup>th</sup> Floor

Laurel, MD 20707

Tel: 301-206-7008

## MEMBER AGENCIES

February 28, 2024

Allegany County  
Anne Arundel County  
City of Baltimore  
Baltimore County  
Town of Berlin  
Cecil County  
Charles County  
City of Cumberland  
D.C. Water  
Frederick County  
City of Hagerstown  
Harford County  
City of Havre de Grace  
Howard County  
Ocean City  
Pocomoke City  
Queen Anne's County  
City of Salisbury  
Somerset County Sanitary District  
St. Mary's Metro. Comm.  
Washington County  
WSSC Water

The Honorable Brian J. Feldman  
Chair, Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

## Re: Request for Amendments -- SB 710 (Water Access for All Protection Act)

Dear Chairman Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to request amendments to SB 710, which would prohibit: (i) water utilities from disconnecting service to certain identified individuals, even if a bill is significantly overdue; (ii) many water utilities from enforcing a lien for unpaid fees; and (iii) a sanitary commission from enforcing an emergency water conservation order by disconnecting service. MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewerage population. Many Members also operate public water systems.

## CONSULTANT MEMBERS

MAMWA sees the good intent behind SB 710, and, of course, Members understand that some customers have difficulty paying water and/or sewer bills (in fact, MAMWA Members already work with these customers on payment arrangements to assist during financially stressful times). That said, if we are not collecting revenues from some customers, MAMWA Members will be compelled to recoup those lost revenues from our remaining customers to pay the fixed costs of running a municipal utility, forcing water and sewer rates up across the State. County and municipal water and wastewater plants are critically important public facilities that are very costly to operate.

Black & Veatch  
GHD Inc.  
Greeley and Hansen Engineers  
Hazen & Sawyer  
HDR Engineering, Inc.  
Jacobs  
Ramboll Americas  
Whitman, Requardt & Assoc.  
Xylem, Inc.

For these reasons, MAMWA requests amendments to create a statewide fund to assist with overdue water and sewer bills (with funding from the State's general revenues).

## GENERAL COUNSEL

AquaLaw PLC

Please feel free to contact me with any questions at [Lisa@AquaLaw.com](mailto:Lisa@AquaLaw.com) or 804-716-9021.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. Ochsenhirt".

Lisa M. Ochsenhirt  
MAMWA Deputy General Counsel

cc: Senate Education, Energy, and the Environment Committee Members  
SB 710 Sponsor

**SB0710-EEE-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0710**

February 29, 2024

**TO:** Members of the Senate Education, Energy and the Environment Committee

**FROM:** Nina Themelis, Director of the Mayor's Office of Government Relations

**RE:** Senate Bill 710 – Water Utilities Shutoff Protections

**POSITION: OPPOSE**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill 710.

SB 710 would establish restrictions relating to the authority of a “water utility” to shut off water or sewer service to a customer and may not shut off service for nonpayment of overdue bills for specified protected customers. The bill would also prohibit a county from selling real property solely to enforce a lien imposed for unpaid water, sewer, or sanitary system charges.

We have large concerns with removing a tool to potentially recoup debts owed by delinquent customers. Even the threat or appearance of termination can often help recover debts necessary to maintain the water and wastewater facilities and provide clean and safe drinking water to all our customers. While Baltimore City has adopted many of these protections for its customers, with no way to collect money owed by delinquent customers, it would likely mean that rates would have to be raised to cover the loss of revenue.

Baltimore has a variety of different programs to help customers who may have difficulties paying their bills. Water4all water assistance program provides a monthly discount for water and sewer costs based on a percentage of residents' income. This program includes tenants who do not directly pay their water bills and are eligible to apply for water payment assistance.

The Water4All assistance program was created under the comprehensive Water Accountability and Equity Act that assists, rights, and protections for water and wastewater customers.

In addition to Water4All Baltimore Department of Public Works also has individually customized payment plans available to its customers. Under these payment plans customers can access interest-free payment plans, keep their water service active, avoid financial consequences, and provide customers flexibility.

Based on these programs and protections already available to our customers, and the removal of residential properties from tax sale, preventing any real property from tax sale with water bill-only liens simply encourages customers to not pay their water and sewer bills.

These delinquencies total in the multi-millions of dollars and would likely spell increased costs for water and wastewater customers across the board. For these reasons, we respectfully ask for an **unfavorable** report on SB 710.