



## Massachusetts Advisory Committee to the U.S. Commission on Civil Rights

### Water Access Equity and Utility Reporting Requirements in Massachusetts

Water access is a fundamental human right, essential to sustaining life. Yet as the cost of water rises, little information is available about the impacts of utility policies, such as shut-offs, on vulnerable communities in the state.

A report by the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, "[Turning Off the Tap: Massachusetts' Looming Water Affordability Crisis](#)," explains the consequences of this data gap.

#### What can the Massachusetts legislature do?

Generally, local governing bodies in Massachusetts do not report data on water shut-offs, liens, and payment plans. Without adequate data, policy makers can't efficiently target their policies, or document and remedy any suspected bias in the implementation of water plans.

The available evidence does suggest bias that should be of concern to utilities. Using Freedom of Information Laws and census data, Committee member Neenah Estrella-Luna compared municipalities with high percentages of renters of color ("high renter of color communities") to municipalities with low percentages of renters of color ("low renter of color communities"). This study found strong suggestions of racial disparities in water shut-offs and access to affordability programs.

Estrella-Luna's findings underscore the need for better data and additional impact studies. Of particular note, Estrella-Luna found high renter of color communities were much more likely to have active water shut off policies than low renter of color communities. In short, the risk of water shut offs is higher for property owners, and by extension renters, in high renter of color communities. These communities are more likely to have water discount programs, and more likely to need them, given their lower average median household incomes. But too many residents are less likely to receive them, given racial disparities in homeownership, suggesting that discount programs are not structured to reach people of color.

None of the 40 municipalities studied offered any financial support for renters, although discounts are funded by tax revenues to which renters contribute. This likely results in disproportionate benefits to White

#### Key Recommendations Relating to Data

1. Local water authorities should be required to collect demographic and tenure data on households experiencing water shut-offs or liens.
2. Local water authorities should collect data on payment plans offered to water consumers, to ensure that favorable plans are not offered on a discriminatory basis.

residents, given racial disparities in homeownership. Such disparities are not fully explained by current statistics reflecting disparate poverty or merely unaffordable homes. Historically, redlining practices in Massachusetts made it difficult for Black residents to obtain home mortgages or loans to maintain and keep property once acquired. These race-based practices continue today. A 2017 study of non-FHA loans in Greater Boston found denial rates for borrowers in the same income category were 10.2% for Blacks, 7.4% for Latinos, and 3.7% for Whites. A significant racial homeownership gap persists in the Commonwealth, the inequities of which are reinforced through water discount programs focusing exclusively on homeowners.

Finally, there are no consistent standards governing any of the policies or programs studied. The thresholds that trigger a water shutoff vary considerably. Water discount eligibility policies vary even more so. Conversations with municipal staff suggested that water shut offs are partly discretionary, and several staff members indicated that they try to work with the property owner before shutting off the water. Discretion, fairly exercised, can protect homeowners from unnecessary or irreparable harm. Exercised unwisely, discretion is often a source of bias.

Collecting and reporting key data on the implementation and impacts of water utility policies is a first step toward improving the policies' effectiveness and eliminating bias.