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VIA ELECTRONIC EMAIL: cmontag@naacpldf.org

Sherrilyn A. Ifill, President and Director-Counsel
Coty Montag, Senior Counsel
NAACP Legal Defense and Educational Fund, Inc.
700 14th Street NW, Suite 600
Washington, DC 20005

RE: Compliance with Executive Order 2020-28 (COVID-19)

Dear Ms. Ifill and Ms. Montag:

I am responding to your letter to Mayor Duggan of April 27, 2020, on behalf of the Detroit Water and Sewerage Department (DWSD).

That letter is filled with completely inaccurate facts and entirely unfounded conclusions.

To be clear: DWSD is 100% compliant with Governor Whitmer's Executive Order 2020-28 and has been since the date of its entry. No resident of Detroit has had their water shut off since the beginning of the Coronavirus spread. Every single resident who has requested it has had their water restored. Your letter does not cite a single person today living in Detroit without water because of unpaid bills.

The premise of your letter is not based on actual facts, but on your misplaced reliance on a three-month old newspaper story, as well as your omission of accurate, critical facts cited in our April 12, 2020, report to the State Emergency Operations Center. You cite a Bridge Magazine article from February that states 9,500 homes were without water service.

DWSD provided Bridge Magazine with 9,500 **accounts** where service had been interrupted, **not** 9,500 **occupied homes without water service**. These are two very different things. As we explained to the Bridge reporter, accounts where service had been interrupted include:

- Accounts where the houses were demolished
- Accounts where occupants moved out and left an outstanding balance
- Accounts where the occupants illegally reconnected the water
- Accounts in the name of one member of the household who continually failed to pay the bill, but where another member of the household opened his/her own account and kept water service on.

Also, we explained to the Bridge Magazine reporter, as well as other reporters and advocacy groups, more than one account can be associated with a specific address and there can be more than one service interruption at an address.

Following the March 9th announcement of the water restoration program, a full month before Governor Whitmer's Executive Order, DWSD undertook a 7-prong outreach effort to restore service to every household living without water for failure to pay their bills:

- 1) Significant public information campaign on television, radio, and newspapers
- 2) Paid newspaper and billboard ads announcing the plan
- 3) Extensive social media outreach
- 4) Extensive outreach through community action groups
- 5) Door-to-door canvassing of every account DWSD records showed had any likelihood of families living without water, with a total of 9,000 addresses personally visited
- 6) A notice placed in over 275,000 bills mailed out to every active and inactive account holder in our billing system
- 7) Presentations at block clubs, associations, City Council and all Neighborhood District meetings.

Without a shred of objective evidence, you and others have repeated claims of thousands of Detroit households living without water because service was at one time interrupted for non-payment. Our extensive citywide canvas conclusively showed that claim to be false. In fact, fewer than 1,000 households fell in that category.

Our 9,000-house door-to-door canvass of accounts without water service yielded a clear picture of the true facts. The neighborhood canvass found that all DWSD water accounts with a service interruption fell into one of 6 categories and we responded to each quickly and properly:

- 1) Accounts where houses had been demolished or completely abandoned and boarded up. DWSD took no further action on those.
- 2) Accounts where the house was vacant, but had been secured by the owner. In a number of cases, the owner or tenant had moved in with friends or relatives. In these cases, we restored the water and the owner or tenant moved back in.
- 3) Accounts where the occupant had illegally by-passed the meter and tapped into the water system without an account, or, in many cases, physically cutting out the meter and removing it from the property. In these cases, we reconnected or replaced the meters at a cost of several hundred dollars each and restored the water service. This was done at no charge to the customer and without pursuing legal consequences.
- 4) Accounts where the occupant was illegally squatting in a Detroit Land Bank owned house or trespassing in a private property and, therefore, could not open a water account. In each case, DWSD turned the water on for the duration of the COVID-19 epidemic with the understanding that the occupant would have to relocate to lawful housing when this health crisis is over.
- 5) Accounts where the occupant was living without water, not because of unpaid bills, but because of extensive plumbing damage or lack of plumbing fixtures at the house. Turning on water at many of these houses would have flooded the occupants, leaving them homeless. DWSD initiated plumbing repairs with the assistance of Plumbers' Local 98 and has now spent more than \$1 million in plumbing repairs in restoring water to 362 homes.
- 6) Accounts where occupant was living without water due to non-payment of water bills. This appears to be the case in 600-800 households. All have been restored.

Your claim that DWSD's response is inadequate because a "burden" is placed on the customer to contact DWSD reflects a complete lack of understanding of the water restoration process. DWSD

representatives have visited 9,000 addresses to tell customers how they can have their water restored. It is not a “burden” to require the customer to request the restoration – it is an absolute necessity. Restoration requires the express consent of the occupant. Had we done what you suggest and just turned water on at every address where there had been a service interruption, without the customer’s request and consent, we would have flooded thousands of vacant homes and driven hundreds of people from occupied homes because of major plumbing problems inside the house.

No responsible restoration program would do as you suggest and restore water without a request of the person in the house.

Your 6-page letter offers no absolutely no facts to suggest that there are any residents in Detroit who remain today without water for failure to pay a bill. It offers not a single address of a Detroit resident you claim is still living in a house without water for failure to pay their bill. The entire factual premise of the letter is an erroneous conclusion based on a reporter’s selective use of information in a February newspaper story and your purposeful omission of facts in our report to the State.

The true facts are that an extensive 9,000 address door-to-door city canvas found that fewer than 1,000 households were without water service due to unpaid bills. This is out of nearly 200,000 DWSD residential customers, less than ½ of 1% of our total. The claims that have been thrown about for years about “thousands” of households without water never had any factual basis and have now been conclusively proven to be false.

To the best of our knowledge, there are no households in Detroit today without water due to unpaid bills. We have asked every community action group to provide us the addresses of any houses without water services and they have been unable to identify any beyond those we have addressed. If you actually have facts, if you have any addresses of Detroiters you believe are without water service today, please send us those addresses and we will respond immediately.

Sincerely,



Gary A Brown, Director

cc: Mayor Mike Duggan
Alice Jennings, Edwards & Jennings, P.C.
Lori Lutz, Attorney in Private Practice
Jerome D. Goldberg, Moratorium Now
Desiree Ferguson, Detroit Justice Center
Anthony Adams, Marine-Adams Law, P.C.
Erin Mette, Greta Lakes Environmental Law Center
William Goodman, Goodman Hurwitz & James, P.C.
Thomas Stephens, Detroit City Council Legislative Policy Division
Mark Fancher, ACLU of Michigan
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