

**State Headquarters**

2966 Woodward Avenue  
Detroit, MI 48201  
Phone 313.578.6800  
Fax 313.578.6811  
E-mail [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**Legislative Office**

115 West Allegan Street  
Lansing, MI 48933  
Phone 517.372.8503  
Fax 517.372.5121  
E-mail [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**West Michigan Regional Office**

1514 Wealthy St. SE, Suite 260  
Grand Rapids, MI 49506  
Phone 616.301.0930  
Fax 616.301.0640  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

September 7, 2021

John Stemple  
Director of Neighborhood Services and Inspections  
1314 South Washington Ave.  
Saginaw, MI 48601

Tim Morales  
City Manager  
1315 South Washington Ave.  
Saginaw, MI 48601

Saginaw City Council  
1315 South Washington Ave.  
Saginaw, MI 48601

**Re: Follow-Up on Permanent Moratorium on Water Shutoffs and Condemnation  
for Unpaid Water Bills**

Dear Mr. Stemple, Mr. Morales, and Saginaw City Council:

As you recall, on July 12, 2021, the ACLU of Michigan and 19 other organizations requested that you:

1. End all water shutoffs in the City of Saginaw, and provide free reconnections for all disconnected residents, as well as impose a permanent water shutoff moratorium.
2. Discontinue citations for municipal civil violations, or fees of any kind, to Saginaw residents for matters related to their water utility status.
3. End use of tax liens as a means of collection and for removal of Saginaw residents because of their water utility status.
4. Commence a City Council investigation of repeated efforts of city staff to deny due process concerning water shutoffs, evictions, municipal civil infractions, etc.

Although we did not receive a formal response from you, we acknowledge and thank you for announcing that you will discontinue water shutoffs. However, members of the community have expressed to us their concerns about the fact that specific information has not been provided about the anticipated length of your self-imposed moratorium on water shutoffs, and any conditions that might cause you to resume shutting off water service. We respectfully request that you provide such information forthwith.

Saginaw’s residents need to know in advance if or when water shutoffs will resume because there are deadly hazards that can result from sudden, unexpected loss of water service. Disconnecting water access in a home during the ongoing COVID-19 pandemic creates imminent health risks. The City of Saginaw is at the epicenter of the COVID-19 pandemic in Saginaw County. Saginaw had more than 5,530 positive COVID-19 cases as of August 25, 2021, far exceeding any other municipality in the county.<sup>1</sup> As of August 31, 2021, roughly half of the county of Saginaw has not received a single dose of the COVID-19 vaccine.<sup>2</sup> According to a leading public health expert, in Saginaw, 25 people died from COVID-19 between May 28, 2021 and June 28, 2021 alone.<sup>3</sup> Public health experts and our state government have emphasized the importance of access to clean water to promote handwashing as a public health necessity to protect against the spread of the virus.<sup>4</sup>

The physical and mental health threat posed by water shutoffs requires a moratorium that lasts beyond the arrest and control of the COVID-19 pandemic. Michigan residents are also at risk of infection by a variety of other diseases such as shigellosis (an acute dysentery); giardiasis (a protozoan infection); and campylobacter (an acute intestinal disease).<sup>5</sup> Beyond disease, the lack of water exacerbates housing instability, and potentially threatens parents’ rights to keep their children in their homes.

Michigan law does not require municipalities to employ water shutoffs as a method of collecting on delinquent accounts, even if alternative outreach has been ineffective. As we have suggested, a more effective and humane approach involves the adoption of a plan to make water affordable for all residents, including by ensuring that low-income residents do not pay more than a certain percentage of their median household income toward their water bills. Income-based water billing programs have been adopted in Philadelphia and Baltimore,<sup>6</sup> and a similar program

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<sup>1</sup> City of Saginaw, *Cases in Saginaw County*, SAGINAW COUNTY HEALTH DEPARTMENT, <https://www.saginawpublichealth.org/coronavirus/cases-in-saginaw-county/> (last accessed August 10, 2021).

<sup>2</sup> State of Michigan, *COVID-19 Vaccine Dashboard*, MICHIGAN.GOV, [https://www.michigan.gov/coronavirus/0,9753,7-406-98178\\_103214-547150--,00.html](https://www.michigan.gov/coronavirus/0,9753,7-406-98178_103214-547150--,00.html) (last accessed August 10, 2021).

<sup>3</sup> Press Conference, Saginaw Community Alliance for the People, Saginaw No Shutoffs Presser, (July 1, 2021) <https://fb.watch/6ve-uKZjV3/>.

<sup>4</sup> Centers for Disease Control and Prevention, *Hand Hygiene Recommendations* (May 2020) <https://www.cdc.gov/coronavirus/2019-ncov/hcp/hand-hygiene.html>.

<sup>5</sup> George Gains, *Three Waterborne Outbreaks in Detroit* (2016 & 2017), The People’s Water Bd. (July 14, 2018) <https://www.peopleswaterboard.org/wp-content/uploads/2018/07/DetInfDisease.pdf>.

<sup>6</sup> Cristina Tuser, *Baltimore Enacts Water Accountability and Equity Act*, WATER AND WASTES DIGEST (Jan. 17, 2020), <https://www.wwdmag.com/regulations/baltimore-enacts-water-accountability-equity-act>; *Philadelphia Launches New, Income-Based, Tiered Assistance Program*, CITY OF PHILA. (June 20, 2017), <https://www.phila.gov/press-releases/mayor/philadelphia-launches-new-income-based-tiered-assistance-program/>.

was recommended in Detroit more than 15 years ago.<sup>7</sup> Saginaw should seriously consider the adoption of a water affordability plan as a permanent solution.

For these reasons and others, it is important to provide specific information regarding the anticipated duration of the suspension of water shutoffs, as well as the circumstances that might prompt you to resume this unconscionable practice. We urge as well that you grant our other requests set forth above, including permanent solutions to water insecurity. We believe it reasonable to expect a response from you within the next ten days so that we can engage in a dialogue about what permanent solutions may be adopted in Saginaw. If we do not hear back from you within this time, we will continue exploring alternative ways to halt Saginaw's water shutoff policy and ensure access to water for Saginaw residents.

Sincerely,



Bonsitu Kitaba, Deputy Legal Director  
Mark Fancher, Racial Justice Project Staff Attorney  
American Civil Liberties Union of Michigan  
2966 Woodward Ave.  
Detroit, MI 48201  
(313) 578-6800  
[bkitaba@aclumich.org](mailto:bkitaba@aclumich.org)

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<sup>7</sup> Roger Colton, *A Water Affordability Program for the Detroit Water and Sewerage Department* (DWSD) (Jan. 2005), <http://www.fsconline.com/downloads/Papers/2005%2001%20Detroit%20Water.pdf>.