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The Energy 202: Biden under pressure to stop utility shutoffs during pandemic

By

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He's been in office for less than a week, but President Biden is already facing calls to use his new power to prevent people from losing their electricity, gas or water.

Some of Biden's allies in Congress want the federal government to stop power companies, water providers and other utilities from shutting off service for failure to pay bills to help millions of Americans struggling during the pandemic.

Such a nationwide moratorium on utility shut-offs never came under former president Donald Trump. But its advocates say that it is just as necessary now as it was at the start of the coronavirus pandemic — and that either Congress or the White House needs to act.

“While many states and utility companies have already stepped up to do the right thing, there are still so many families who are just one missed payment away from losing critical utility access,” Sen. Jeff Merkley (D-Ore.) said

The pressure comes after the Biden administration extending a nationwide freeze on evictions through March.

Biden could use that same authority to end utility shut-offs, according to a coalition of more than 600 racial justice, labor, environmental and religious organizations.

Those left-leaning groups are [urging](#) Biden to issue an executive order directing the Centers for Disease Control and Prevention to use the Public Health Service Act to prevent utilities from turning off the lights or stopping the tap, pointing to [data](#) from Duke University that local bans are linked with lower coronavirus case growth rates.

Utilities are critical to allow people to shelter at home and stop the spread of the virus, they say. **“This is a public health threat if you allow shut-offs to continue,”** said Jean Su, a staff attorney at the Center for Biological Diversity.

Another avenue would be for members of Congress to insert a shut-off ban in the next round of coronavirus stimulus.

House Democrats included such a moratorium in [a \\$3 trillion pandemic bill](#). The Senate's top Democrat, Charles E. Schumer (N.Y.), and Vice President Harris, when she was a senator from California, endorsed the measure, too. The broader bill died in the GOP-led Senate after a veto threat from Trump.

The new Democratic majority in the Senate has renewed hope for a legislative solution. “Now that they have a majority, we have a renewed chance to have a moratorium passed by Congress,” said Su, who added that a moratorium could be designed to pass budget reconciliation, which requires only a simple majority.

The Biden administration is pushing for more economic relief, but has not yet committed to stopping shut-offs.

The White House is proposing to spend \$5 billion to cover home energy and water costs, including unpaid bills, as part of its [proposed \\$1.9 trillion coronavirus package](#). The new administration also has \$25 billion in rental assistance in [the latest coronavirus bill](#), passed in December, to distribute. Some of that can be used to cover utility costs.

Still, several Democratic senators are willing to see if they can get a ban passed in Congress, including through reconciliation.

“I’m for whatever it takes,” said Sen. Sherrod Brown (D-Ohio), in line to chair the Senate Committee on Banking, Housing, and Urban Affairs, adding that a utility shut-off moratorium “should go hand in hand” with one for evictions.

Merkley, who wrote legislation for a pandemic shut-off ban with Rep. Rashida Tlaib (D-Mich.), wants Biden and his congressional colleagues to “use every available tool at our disposal to put in place a national disconnection moratorium.”

But the idea of a nationwide ban have resistance from electric utilities that say the issue is better left up to state officials.

“Customers now have more flexible payment options and support programs than ever before,” said Adam Benshoff, vice president for regulatory affairs at the Edison Electric Institute, which represents the investor-owned electric utilities. “Frequently, however, customers with unpaid bills will not work with their electric companies on a payment plan until they receive a disconnection warning.”

Americans around the country are racking up big unpaid utility bills.

That amount may outstrip the aid already set aside as part of the rental assistance money in December. The National Energy Assistance Directors' Association had [projected](#) electric and gas debts alone would reach or exceed \$24.3 billion by the end of last year.

Tracking the exact number of disconnections themselves has proven to be difficult. Brown's office said it has received incomplete data from 21 utility companies from which it [requested information](#) back in October.

After the United States saw its first cases, many states and utilities [stepped in](#) to stop shut-offs for those in arrears due to the pandemic. But now, nearly a year later, only eight states — Arkansas, California, Hawaii, New Jersey, New Mexico, New York, Vermont and Washington — as well as the District of Columbia have pandemic shutoff bans in place, according to the Center for Biological Diversity.

Winter is now providing some reprieve. Freezing temperatures automatically trigger seasonal protections from shut-offs in many states, though the bans vary widely.