

January 27, 2021

Hon. Liz Krueger, Chair  
New York State Senate Finance Committee  
416 Capitol, Albany, NY 12247

Hon. Helene E. Weinstein, Chair  
New York State Assembly Ways & Means  
Committee  
LOB 923, Albany, NY 12248

Hon. Todd Kaminsky, Chair  
New York State Senate Environmental  
Conservation Committee  
LOB 307, Albany, NY 12247

Hon. Steve Englebright, Chair  
New York State Assembly Committee on  
Environmental Conservation  
LOB 621, Albany, NY 12248

Dear Senator Krueger, Assembly Member Weinstein, Senator Kaminsky, and Assembly Member Englebright:

I'm Alex Beauchamp, and I'm the Northeast Region Director at Food & Water Watch. We are a national environmental nonprofit organization with over 100,000 supporters throughout New York State. Thank you for the opportunity to provide testimony at this crucial legislative hearing. I'll focus on three key areas: extending and strengthening the moratorium on utility shut offs, stopping new fossil fuel projects, and protecting New York City's landmark legislation to slash emissions from buildings.

**Utility Shut Off Moratorium:**

We were pleased to see Governor Cuomo include an extension of the current moratorium on utility shut offs that is set to expire at the end of March. The governor rightly not only committed to extending the moratorium but also to broaden its scope and a commitment to enact shutoff moratoriums in future states of emergencies with an economic impact. All of this is welcome news – we simply cannot cut people off from vital utilities in the middle of a devastating pandemic or any disaster. This is especially true regarding water, as it is obviously extraordinarily difficult to wash your hands regularly without access to running water.

While the governor's proposal is welcome news, we have several suggestions to strengthen it:

First, the proposal protects customers from shut-offs after the end of a state of emergency if a customer demonstrates a change in financial circumstances as defined by the Department of Public Service. However, it removes the existing language limiting this extended protection to 180 days, and does not provide any other criterion or process for determining how long that protection lasts. This will likely lead to confusion and less protection for consumers. Food &

Water Watch recommends that we retain the protection 180 days after the end of the state of emergency, as legislation from Senator Parker seeks to do.

The legislature should also strengthen the governor's proposal by prohibiting the placement, sale, and enforcement of water and sewer liens during a state of emergency and recovery period. Some communities, including New York City, place a lien on the homes of customers who cannot pay their water bill. This practice is abhorrent in the best of times and particularly egregious during a pandemic when losing a home will have drastic and potentially deadly consequences.

The legislature must also require immediate reconnection for all customers disconnected from service and require consumer notification in every utility bill. We have already seen utilities sending notifications containing inaccurate or incomplete information around the shutoff moratorium, an issue easily fixed with simple standardized language from the Department of Public Service (DPS).

Finally, we must clarify who determines – and how that determination is made – whether a given future state of emergency triggers the protections laid out in the governor's budget proposal. That must be clarified in the final budget. Further, the current pandemic has taught us that utilities are vital to public health, with a study just this week finding that a nationwide shutoff moratorium could have lowered the death rate by 14.8% and the infection rate by 8.7%. Clearly, public health impacts of that magnitude are reason enough to prohibit utility shutoffs. Therefore, Food & Water Watch suggests that the bill's protections include an automatic trigger if there is a public health impact during a state of emergency which does not also cause a significant, long-term economic impact.

### **Stopping Fossil Fuels:**

In the governor's state of the state address, he announced some exciting new commitments to offshore wind, including the creation of a manufacturing facility at the Port of Albany. This is welcome news as the state struggles to make progress on the renewable goals put into law in the CLCPA. But the most important comment in the governor's speech may have been his quote that "We must replace fossil fuel plants with clean power. There are no ifs, ands or buts." The governor's right, of course, and both the climate movement and the legislature must ensure he sticks to his strong words.

Right now there are proposals for the state to permit new fossil fuel power plants – replacing aging fossil fuel plants with new fossil fuel plants. Clearly, we cannot allow that to happen, and

Governor Cuomo has the clear authority to stop proposals for these fracked gas power plants, including the Danskammer power plant in Newburgh, NRG's planned new gas plant in Astoria, and the proposed repowering at the Gowanus facility in Brooklyn. We urge the legislature to join us in these fights. If we're not even able to replace dirty, polluting facilities at the end of their lives with renewable energy options, we won't have a prayer of meeting the state's aggressive emission reduction goals.

### **Tax the Rich to Fund a Green New Deal:**

Right now New York State commits almost no funding to combating climate change. This is especially shocking given the aggressive climate goals included in the CLCPA. Make no mistake, hitting these goals is going to cost a lot of money. Without serious state funding, we're almost certain to fund the transition away from fossil fuels on the backs of working people who can least afford it. Moreover, without real investment from the state, we are far less likely to move off fossil fuels as fast as the climate crisis demands. That's why Food & Water Watch and other groups in the Movement for a Green New Deal are calling for a tax on the rich to fund a state-level Green New Deal. We need something on the order of \$10 billion per year to fund a just transition away from the era of fossil fuels. It's time for all of us to take a hard look at just at the scale of the challenge before us. If we're serious about combating climate change, it's time for New York to put its money where its mouth is and pass a tax on the rich to fund a Green New Deal.

### **Protecting Local Law 97:**

New York must slash emissions through energy efficiency in buildings, which creates good jobs in renovation and construction. Yet the Executive Budget proposes to weaken part of an extremely important law: New York City's Local Law 97. The budget should exclude language from the real estate lobby to override this landmark energy efficiency law. Part R of the proposed TED bill expands the definition of Renewable Energy Credits that could be used in place of reductions in buildings' energy use required under Local Law 97. This is a corporate regulatory giveaway and should be eliminated. Moreover, the state simply has no business weakening strong city legislation that will drastically reduce emissions and create good, local jobs.

Thank you for your consideration.

Alex Beauchamp, Northeast Region Director at Food & Water Watch