

UC Berkeley law students advise state on water affordability

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Students involved with UC Berkeley's Environmental Law Clinic released a report Friday analyzing and providing recommendations on the State Water Resources Control Board's proposal for the development of a water affordability program.

The proposal, titled the "Low-Income Water Rate Assistance Program," aims to help low-income households access safe and affordable water. The Environmental Justice Coalition for Water, or EJCW, solicited the help of UC Berkeley Environmental Law Clinic to provide the state with an environmental perspective as it drafted its proposal.

Randy Reck, a staff attorney with EJCW, said in an email that the coalition believes all people have a right to safe, clean and affordable water because it is a "basic necessity" for life. In 2012, California became the first state to pass a human right to water policy into law, but according to Reck, no funding was provided specifically for its implementation.

According to Britton Schwartz — a clinical teaching fellow at the Environmental Law Clinic who advised and supervised the campus law students as they drafted their report — the clinic builds on the prior work of Berkeley Law's International Human Rights Law Clinic. The clinic previously worked with the state to develop an implementation framework for the state's commitment to the human right to water.

The concept of affordable water is difficult to put into practice, Schwartz said. In its proposal, the State Water Resources Control Board proposed four scenarios for affordable water reform, all of which included percentage discounts based on households' poverty levels.

Student and advisors at the clinic, however, found fault with these four scenarios. In practice, Schwartz said, there is no singular solution for all cases of water inaccessibility, making a uniform discount difficult. According to Schwartz and her colleagues, the proposal must do more than reduce the price — it should vary depending on a household's circumstances.

Although rebate programs exist — such as subsidies for low-pressure shower heads and "low-flow" toilets — they do not usually reach low-income households, according to Schwartz. As a solution to this problem, the Environmental Law Clinic is encouraging the state to provide economically disadvantaged families with assistance in fixing leaks and conserving water. According to Schwartz, the state's job would become more complex because the approach requires checking in with the various households.

Schwartz added that organizations such as the East Bay Municipal Utility District "mean well" but cannot fully support low-income households.

The struggle for low-income households to pay for safe and accessible water increased with the recent California drought, Schwartz said. The drought intensified contamination, making water less safe and therefore requiring more expensive water treatments or transportation.

Reck noted that the drought "exacerbated" many of the water affordability challenges that disadvantaged communities face, although he added that many of those challenges pre-dated the drought.

"We, as Californians, need to resolve the human health impacts of water contamination and the disproportionate costs borne by low-income communities around the state," Reck said in an email. "In order to make good on the promise of the human right to water, we have to provide the financial resources needed to build resilience."

The Environmental Law Clinic will continue its water justice work this semester by designing a policy advocacy toolkit to help cities in the East Bay, such as Berkeley and Oakland, improve homeless residents' access to water and sanitation, according to Schwartz.

"I think that it's really exciting the role that Berkeley students have been able to play," Schwartz said. "There are lots of places to engage in this type of work as students."

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