Many lower-income households do not receive a water or sewer bill from a utility, even though they receive home water and sewer service. These are mostly renters, whose landlords are the direct customer of the utility.

These renter households pay for water and sewer service indirectly, either through their rent or via a separate payment to their landlord. This situation is especially common in multifamily buildings, which are usually “master metered” for water.

Renters who do not have their name on a water or sewer bill face unique challenges that are the focus of this module. Non-customer renters are often ineligible to participate in bill assistance programs and may be excluded from basic consumer protections available to other water users. Renters can also encounter difficulties related to their landlord’s management of the water account, such as when the landlord doesn’t pay the monthly bill or overcharges the renter for water service. (Many of these issues also apply to other non-customer households that receive water service, such as low-income condominium owners, mobile-home residents, or dependents of a property owner who reside at the property without a lease.)

Because renters are more likely than homeowners to be low-income and people of color, addressing these challenges is a pressing issue of social and racial justice.

Ensuring access to affordable water and wastewater service for renters will require sustained advocacy to raise the visibility of renter issues and push legislators, regulators, and utilities to consider renter interests when designing and implementing policies. Although it is impossible to address every problem that renters face, nearly every water affordability issue can be analyzed through a renter lens. For every module in this toolkit, it is worth asking: How does this issue apply to renters, and what can be done to ensure that they are not excluded or disadvantaged?

This module takes up that question specifically in regard to affordability and assistance programs, consumer protections, and problems related to the landlord-tenant relationship. The focus throughout is on renters in market-rate housing. Although renters in federally subsidized housing face unique challenges related to water affordability, those issues are beyond the scope of this module.¹

---

¹ For low-income, there is Legal Services of Eastern Michigan. Call (800) 326-4812 or email them through their website at www.lsem.org. Please refer to water shut-off in your rights as a tenant.
RENTERS ARE AMONG THE MOST VULNERABLE WATER USERS

The Water Research Foundation estimates that 22 percent of all households receiving home water or sewer services do not have a direct customer relationship with their water provider. For households with incomes under $30,000 per year, that figure jumps to more than one in three. These non-customer water users are mainly renters, who pay for water and sewer service indirectly through their rent or a separate payment to the landlord. The vast majority—around 80 percent—live in multifamily rental buildings with a single water meter, also known as master-metered buildings.

Because they are not technically “customers” of the utility, renters who lack a water account are often excluded from bill credit programs and consumer protections intended to help households make their monthly payments and maintain access to water service. As a practical matter, it can also be difficult to reach renters with available programs and protections when they have no established relationship with the utility—especially if utilities do not adjust their outreach efforts to specifically target renters.

Renters can also face problems related to the fact that they do not control the water account. For example, a renter’s access to water and sewer service may be threatened if the landlord refuses or neglects to pay the monthly bill or charges the renter an exorbitant amount for water services.

The water affordability challenges faced by renters are especially pressing because of the characteristics of the renter population. As a group, renters have significantly lower income and are less wealthy than homeowners. Renters are also disproportionately Black, Indigenous, or other people of color. These groups are also more likely to experience other forms of social vulnerability such as housing or energy insecurity or chronic health problems. As a result, renters are doubly disadvantaged—they are among the most vulnerable water users, and also among the least protected by existing laws and policies.

The exclusion of renters from water affordability–related policies and protections exacerbates the difficulties that lower-income households face in maintaining access to water service. Given the disproportionate impact on households of color, it can also be seen a form of structural racism. Unfortunately, few regulators or water utilities have taken steps to systematically address the issue.

QUESTIONS TO CONSIDER:

As you develop a water affordability advocacy plan, answering the following questions may help you identify opportunities to improve programs and protections for renters.

- Are your utility’s low-income affordability or assistance programs open to renters who do not have their own water utility account? How, if at all, can renters participate in these programs?
- Are renters who are not water utility customers covered by any state or local consumer protection rules?
- How does your utility deal with landlords who fail to pay their water bills? Does the utility disconnect service to tenants due to the landlord’s nonpayment?
- Does your utility illegally require renters to pay their landlord’s debts (or a prior tenant’s debts)?
- How do local landlord-tenant laws protect renters if the landlord asks the water utility to disconnect service without the renter’s consent?
- Does city or state law limit a landlord’s ability to apportion a building’s water utility costs to individual tenants (a practice known as ratio utility billing)? Are there stories of renters experiencing unfair water billing practices by landlords?
BILL AFFORDABILITY AND ASSISTANCE PROGRAMS CAN BE DESIGNED TO REACH RENTERS

Water and sewer bill affordability and assistance programs can be a critical source of support for lower-income households struggling to keep up with steadily rising water rates. (For a discussion of types of programs, see the Affordability and Assistance Programs module.) For renters who lack a utility account, however, these programs are often out of reach. A 2017 study by the Water Research Foundation surveyed customer assistance programs across the country and concluded that most “do not meet the needs of households in multifamily buildings, single-family renters, and others who do not receive bills directly from the water or wastewater service providers.”

When water utilities raise their rates, landlords often pass those extra costs on to renters. However, participation in most affordability or assistance programs is restricted to customers who receive a bill directly from the utility. This leaves many renters exposed to rate increases without the supports available to other water users.

Nationally, only a handful of water affordability or assistance programs allow participation by non-customer renters. A major challenge in designing bill assistance programs for renters is how to deliver the benefits considering that the household may not receive a utility bill. Water utilities have taken various approaches to this problem, although each has challenges as identified in the chart below. There may also be creative approaches to delivering water bill assistance to non-customer renters that have not yet been implemented—such as providing direct assistance in the form of a tax credit.

Even where non-customer renter households are eligible for assistance, it can be harder to reach them with information about available programs since there is no pre-existing relationship with the water utility. Accordingly, it is important that the utility make proactive efforts to advertise programs to renters. The Water Research Foundation study referenced above highlights strategies to enroll hard-to-reach renter households, including by developing targeted marketing efforts and partnering with landlords, housing groups, and community-based organizations. That report also contains additional detail on some of the approaches to delivering bill assistance discussed below.

Renters are disproportionately likely to be lower income and to be Black, Indigenous, or other people of color.
<table>
<thead>
<tr>
<th>Method</th>
<th>Challenges</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a subsidy to the landlord or property manager and require that it be passed on in the rent.</td>
<td>It can be difficult to enforce pass-on requirements and to incentivize landlord participation, especially for private, unregulated housing.</td>
<td>Columbus, Ohio, provides a bill credit to landlords who participate in federal affordable housing programs or can show that at least 80 percent of their tenants qualify as low-income for program purposes. The full benefit must be passed on to the renters through their utility bills from the landlord. Washington, D.C.’s Multifamily Assistance Program provides owners of eligible multifamily properties with a bill credit and requires that 90 percent of the credit be passed on to income-eligible residents. Building owners may keep the remaining 10 percent, providing an incentive to participate. New York City provides a bill credit to owners of multifamily properties on the condition that they maintain rents within specific affordability thresholds and comply with additional requirements for conservation and performance. The temporary federal Low Income Household Water Assistance Program allows landlords to accept a bill credit on behalf of their renters, provided they pass it on in the rent. The program also encourages utilities to enter into three-party agreements with landlords and tenants to ensure that benefits are passed on.</td>
</tr>
<tr>
<td>Provide a discount on a separate utility bill that the renter receives directly, such as for electricity or internet service.</td>
<td>This approach requires coordination between utility systems and potentially across separate companies, so execution can be difficult.</td>
<td>Seattle Public Utilities allows renters who do not receive a water bill but do receive an electric bill from the city electric utility to receive water assistance as a credit on the electric bill. This arrangement is possible because both utilities are owned by the City of Seattle. Similarly, Austin Water allows renters in multifamily buildings to access water assistance through a credit on their electric bill, provided that the household is served by the city electric utility. Participating households receive $200 for the year, apportioned across the monthly bills. The utility plans to expand the program to assist the small fraction of households who are not served by the city’s electric utility.</td>
</tr>
<tr>
<td>Allow the tenant to obtain individual service.</td>
<td>Utilities typically require landlord consent. Individual service may be infeasible in multifamily buildings.</td>
<td>In Philadelphia, a renter may apply for individual water service by showing proof of tenancy (such as a lease). The landlord is then notified of the application for individual service and is deemed to have consented if no objection is received within 20 days. However, the city does not advertise this option to renters.</td>
</tr>
<tr>
<td>Provide benefits directly to renters via a rent voucher or check.</td>
<td>The vouchers or payments may be considered income for purposes of federal and state benefit programs, and thus may affect eligibility or benefit levels.</td>
<td>Baltimore’s Water4All program provides bill assistance to non-customer renters by distributing pre-loaded debit cards. However, the payments are considered income for federal purposes, which requires recipients to file a 1099 tax form and could trigger loss of other income-qualified benefits for certain recipients. The Portland Water Bureau has partnered with the organization that administers the city’s rental assistance program to provide water assistance, in the form of a voucher, to non-customer renters at risk of eviction. Eligible households can receive up to $650, once per year. The California Public Utilities Commission in 2022 approved a pilot program by California American Water Company to provide assistance directly to renters by partnering with community-based organizations. Program details are still to be determined.</td>
</tr>
</tbody>
</table>
CONSUMER PROTECTION RULES SHOULD EXPLICITLY PROTECT RENTERS’ INTERESTS

Consumer protection laws that apply to water utilities often fail to meaningfully protect renters if the utility account is not the renter’s name. For example, the language of consumer protection laws may refer only to utility “customers,” excluding non-customer renters or at least creating ambiguity as to their status. (For discussion of consumer protections for customers that are directly billed by the utility, including renters with an account in their own name, see the Shutoffs module and the Billing Problems and Dispute Resolution module.)

There is no good reason for consumer protection laws to exclude renters who happen not to control the utility account. Although they may not receive a water bill from the utility, their need for access to affordable water service is just as pressing as that of any direct customer. Troublingly, the exclusion of non-customer renters from consumer protections renders lower-income households and households of color especially vulnerable to unfair or harmful utility practices, since these groups are disproportionately likely to rent. Moreover, many federal courts have found that renters who lack a utility account have due-process rights under the U.S. Constitution that entitle them to certain protections, including the right to be notified in advance of any shutoff and to dispute erroneous charges.

Ensuring that renters are fully and fairly protected requires that regulators consider their interests at every stage when developing consumer protection regulations. Some common consumer protection issues for renters are discussed below, followed by a look at protections that specifically relate to the landlord-tenant relationship.

As a baseline protection, it is critical that water utilities notify all residents, including non-customers, before initiating a shutoff at a property. Because renters may not be expecting a communication from the water utility, the utility should ideally be required to attempt to contact any non-customer residents in multiple ways and on multiple occasions, including by posting a notice conspicuously in a common area of the building.

In addition, notification procedures should consider the additional barriers renters may face in resolving payment issues. For example, renters may need extra time to negotiate payment of a water bill with their landlord, to coordinate with other tenants, or (if allowed by local utility rules) to set up a new customer account in their own name.

Some states have special rules intended to guard against the most severe harms of shutoffs. These may include, for example, restrictions on shutoffs during the winter or where the shutoff would cause a medical emergency. (For an overview of these types of protections, see the Water Shutoffs module.) If the rules do not provide a clear avenue for non-customer renters to qualify for these protections, they may be unable to avoid a shutoff even in dangerous and potentially life-threatening situations.

Because renters who lack a utility account are less likely to be aware of the utility’s policies and procedures, it can also be difficult for them to enforce their rights. Adding to the problem, many utilities do not track which of the properties they serve are residential rental properties. Thus, even if a utility is technically required to notify renters of a pending shutoff, it may be able to evade the requirement by claiming ignorance. Regulators can better protect renters by requiring utilities to maintain complete and accurate records and to confirm the presence or absence of any non-customer residents at a property before initiating a shutoff. Alternatively, or in addition, landlords can be required to furnish information about their tenants to the utility, with penalties for failing to comply, as in Pennsylvania.

SPECIAL ISSUE: WHEN THE UTILITY WON’T ALLOW THE RENTER TO OPEN AN ACCOUNT

Some utilities have policies that prohibit renters from opening utility accounts, even when doing so is feasible. Utilities often attempt to justify this by arguing that it is more difficult to collect from renters. However, these policies can be harmful because they effectively put renters at the mercy of their landlord when it comes to accessing utility service.

In some cases, utilities may refuse to open a new tenant account when there are unpaid water bills associated with either the building’s landlord or a rental unit’s previous tenant. Most courts that have considered the question have found that it is unconstitutional for publicly owned utilities to engage in this practice. The rationale is that denying service to a renter based on the debts of an unrelated third party is arbitrary and discriminatory, in violation of the U.S. Constitution’s Equal Protection Clause (and potentially the U.S. Constitution’s “substantive due process” protections).

Counterintuitively, blanket policies of prohibiting all renters from opening utility accounts have generally been okayed by the courts, since the same rationale does not apply. Nevertheless, these policies are harmful for the reasons identified above. As explained below, covering at least 7 states have held that, where a publicly owned water utility does not allow a renter to open an account in their own name, it is unconstitutional to disconnect water service because the landlord failed to pay a bill.
PROBLEMS WITH THE LANDLORD

When the landlord won’t pay the water bill

For many rental properties, the landlord is responsible for paying the water bill. This can cause problems for the renter if the landlord refuses or neglects to pay the bill, resulting in a shutoff.

Federal appellate courts in the Second and Sixth Circuits have held that it is unconstitutional for a publicly owned utility to shut off water service to a renter because the landlord failed to pay a bill—at least where the renter cannot open his or her own utility account and assume personal responsibility for the water bills going forward. These rulings were based on the well-established legal principle that it is unconstitutional to punish someone for the unpaid debts of a third party. The Second Circuit covers New York, Vermont, and Connecticut, while the Sixth Circuit covers Michigan, Ohio, Kentucky, and Tennessee. Courts in other states may have a different interpretation; it’s worth consulting a legal services attorney, or perhaps a sympathetic law professor, to understand the state of the law in a particular area.

Some federal courts have found that the U.S. Constitution bars municipal water utilities from disconnecting renters because of a landlord’s unpaid bill.

Some state consumer protection laws offer a comparable level of protection. For example, a Connecticut statute prohibits water utilities from terminating service to a renter based on the landlord’s unpaid bills where it is not possible to set up an individual account for the renter. Instead, the law authorizes the utility to seek a “rent receivership” through which the utility can collect rent directly from the tenants, deduct the amount owed for water, and pass on the remainder to the landlord. This approach effectively protects the renter’s interest in maintaining access to water service while providing an alternative (and arguably more effective) remedy to the utility. In addition, some individual utilities may have policies against conducting shutoffs to multifamily buildings, particularly if alternative remedies are available.

Other state laws offer lesser, though still potentially meaningful, protections for tenants of delinquent landlords. Some states guarantee renters the right to request a utility account in their own name, where it is technically feasible to provide one. (At the opposite extreme, in many places renters are prohibited from opening utility accounts.) For this approach to be effective, it is important that the law also allow renters to deduct the cost of utility payments from their rent, since paying for water on top of rent may be unaffordable for many tenants.

As an alternative, some states allow renters to avoid disconnection by paying the landlord’s water bill directly and deducting those payments from their rent. This approach avoids any technical barriers to setting up individual tenant accounts. Notably, Pennsylvania combines both approaches by allowing renters the option to set up a new account or to pay their landlord’s bill directly.

For both of these approaches, however, it may be practically challenging—or impossible—for renters in multifamily buildings to coordinate payments from all residents. If the renters are unable to do so, they remain subject to shutoff due to the landlord’s nonpayment. For this reason, it is more protective to simply prohibit shutoffs to renters where setting up an individual account is infeasible, in line with the Second and Sixth Circuit rulings and the Connecticut approach. Renters should consult with local landlord-tenant attorneys or tenants’ rights groups to understand their options.

CONSTITUTIONAL RIGHTS VERSUS REALITY

Parts of this module describe rights and claims that renters may have against their water provider under the U.S. Constitution, including the right to receive advance notice of a shutoff, the right to dispute a bill, and rights to maintain service notwithstanding a landlord’s failure to pay. Because federal constitutional rights are not always codified in utility-related statutes or regulations, however, they may not always be honored in practice. Pushing for utility-related constitutional rights to be codified into law can be one way to ensure that they are more consistently followed.

In some cases, getting the utility to take constitutional claims seriously may require litigation, or at least the threat of it. Litigation is a time-consuming and potentially expensive endeavor that is beyond the reach of many water advocacy groups (and certainly most households). Improving access to legal aid for renters, such as through a renter’s right to legal counsel, can better ensure that their rights are enforced.

In addition, because the U.S. Constitution protects only against actions by government, constitutional rights will also apply only to publicly owned utilities or to situations in which the government is otherwise involved (including, in some instances, when a private utility acts pursuant to a rule approved by state regulators). Nevertheless, constitutional claims can provide a creative avenue for renters to contest water shutoffs and push for utility policy change.
When the landlord initiates a shutoff to remove a tenant
In some cases, a landlord may unilaterally terminate water service to a residential property as a means of illegally forcing a renter out, either by asking the utility to terminate service or by physically shutting off the water themselves. This is sometimes called a “self-help” eviction. Forcing a renter to move out by shutting off water service (or any means other than formal eviction procedures) is nearly always illegal under state landlord-tenant law. Where the landlord is responsible for paying the water bill under the lease or local law, the failure to do so by neglect is also illegal.

Tenants who face a self-help eviction because of an illegal shutoff can likely bring various legal claims against their landlord, including for violating the lease agreement. Renters should consult with local landlord-tenant attorneys or tenants’ rights groups to understand their options. In some cases, the renter may also have a legal claim against the utility for implementing an illegal shutoff. Although some courts have found that only customers can sue a utility to prevent a shutoff, others have allowed non-customer renters to sue utilities for terminating service at the landlord’s request, concluding that the shutoff violated the tenant’s constitutional right to due process.

When the landlord controls the tenants’ water bills
In many rental properties, including the vast majority of multifamily buildings, water service is not individually metered at the household level. Nevertheless, landlords will typically pass on water utility costs through rent or through a separate transaction, though it is often not identified as a line item on a rent bill or in a lease. This can make it hard for renters to understand if they are being fairly charged or to access certain affordability or assistance programs that require the renter to show proof of responsibility for utility payments. Recent water affordability legislation in Baltimore attempts to address this problem by requiring residential leases to expressly state whether the tenant is responsible for water costs and to describe the calculation method and average monthly cost.

In some cases, landlords estimate each tenant’s share of the building’s water costs using a formula or other means and add it to monthly rent as a discrete charge. This practice is often called ratio utility billing. Because water billing practices at multifamily properties are often completely unregulated, there is the potential for inequity if bills are unfairly apportioned, or even outright abuse if residents are being overcharged. (This issue is discussed in more detail in the module on Billing Problems and Dispute Resolution.)

When the landlord retaliates against tenants for exercising their rights
When renters invoke a legal remedy against their landlord—such as the right to take over their water account or to pay the landlord’s bill and deduct utility payments from their rent—they may face retaliation. For example, the landlord might respond by simply raising the rent or by trying to evict the renter on other grounds. Pennsylvania’s utility protection law addresses this problem by expressly stating that landlords may not retaliate against renters for exercising their rights under the law. In practice, protecting renters from retaliation also requires ensuring that they can readily access legal services to enforce their rights.

KEY RESOURCES:


This report offers a detailed examination of the nationwide population of non-customer water users, options for delivering bill assistance to renters and other non-customer users, and best practices for utilities to reach these users with available programs. Some of the programs discussed in this toolkit module are covered in more detail in the report.


The California state water agency’s 2020 report on options for a statewide low-income water rate assistance program discusses some key considerations related to renters. See, in particular, the main report at 31–34 (proposing a tax credit-based approach to delivering water assistance to renters) and the appendices at 44–63 (discussing options for delivering bill assistance to households, including renters) and 88–89 (discussing problems and solutions related to nonpayment of the water bill by the landlord).
The extent to which a landlord is able to pass on water and sewer costs to tenants may depend on whether the housing is market rate, publicly subsidized, or rent-regulated. Clements et al., Customer Assistance Programs for Multi-Family, 3, 9–10.


Clements et al., Customer Assistance Programs for Multi-Family, xxi.

The extent to which a landlord is able to pass on water and sewer costs to tenants may depend on whether the housing is market rate, publicly subsidized, or rent-regulated. Clements et al., Customer Assistance Programs for Multi-Family, 79–80.

For further discussion of approaches to delivering benefits to non-customer households, see Clements et al., Customer Assistance Programs for Multi-Family, 73–98.

The California State Water Resources Control Board’s 2020 report offering recommendations for implementing an assistance program for low-income water customers suggested delivering such aid to non-customer renter households through a state income tax credit. The board favored this approach because it made use of an existing benefit delivery system and avoided the potential pitfalls of cash assistance. However, the board noted that this approach would deliver a credit only on an annual rather than monthly basis, which could create cash flow issues for some households. See California State Water Resources Control Board, Recommendations for Implementation of a Statewide Low-Income Water Rate Assistance Program, February 2020, 31–34, https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/docs/ab401_report.pdf. For the board’s discussion of alternate approaches that it considered and rejected, see State Water Resources Control Board, Recommendations for Implementation of a Statewide Low-Income Water Rate Assistance Program Appendices, February 25, 2020, 44–63, https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/assistance/docs/ab401_appendices.pdf.


California Public Utilities Commission, Notice of Resolution W-5241, California-American Water Company, Order Authorizing Implementation of a Multi-Family Assistance Pilot Program and Associated Cost Tracking in a Modified Customer Assistance Program Balancing Account, April 29, 2022, https://docs.cpuc.ca.gov/PublishedDocs/Published/G090/M465/K649/45649756.pdf; California Public Utilities Commission, Recommendations for Implementation of a Statewide Low-Income Water Assistance Program. As the report noted: “When a water system shuts off water to a residential master-metered account, the burden falls most severely on the tenants who are deprived of water for drinking, cooking, and sanitation purposes... While tenants of a master-metered residential property are under no financial or legal obligation to the water system for paying water bills, they are the ones who suffer when the water is shut off. A shutoff, therefore, is a poorly tailored enforcement mechanism for residential master-metered accounts.” Instead, the report found that “property-based” enforcement mechanisms that target the landlord, such as property tax liens, would be a more appropriate approach. State Water Resources Control Board, Recommendations for Implementation, 88–90.

The California State Water Resources Control Board endorsed this approach in its 2020 Recommendations for Implementation of a Statewide Low-Income Water Rate Assistance Program. As the report noted: “When a water system shuts off water to a residential master-metered account, the burden falls most severely on the tenants who are deprived of water for drinking, cooking, and sanitation purposes... While tenants of a master-metered residential property are under no financial or legal obligation to the water system for paying water bills, they are the ones who suffer when the water is shut off. A shutoff, therefore, is a poorly tailored enforcement mechanism for residential master-metered accounts.” Instead, the report found that “property-based” enforcement mechanisms that target the landlord, such as property tax liens, would be a more appropriate approach. State Water Resources Control Board, Recommendations for Implementation, 88–90.

The East Bay Municipal Utility District, for example, has had a no-shutoff policy for multifamily buildings since 2011. Instead, the utility relies on a California law that permits municipal utility districts to collect debt from landlords through property records. See Laura Feinstein, Morgan Shimabuku and Greg Pierce, “When Utilities Shut Off Water for the Poor, We Are All at Risk,” Pacific Institute Blog, April 20, 2020, https://pacinst.org/when-california-utilities-shut-off-water-for-the-poor-we-are-all-at-risk/.

At least one state allows tenants to petition a court for a receivership to coordinate payment of the landlord’s utility bill from the proceeds of tenant’s rent, although that, too, is likely to be a cumbersome process and an extremely difficult one for low-income tenants to navigate. 765 Ill. Comp. Stat. 735/2, https://www.illga.gov/legislation/ilcs/ilcs3.asp?ActID=2207&ChapterID=62#:~:text=(a)%20A%20residential%20tenant%20shall%20paid%20to%20the%20utility%20company.

Several states and cities have recognized a renter’s right to an attorney in certain civil legal proceedings, such as eviction proceedings. See National Coalition for a Civil Right to Counsel, “The Right to Counsel for Tenants Facing Eviction: Enacted Legislation,” accessed May 13, 2022, http://civilrighttocounsel.org/uploaded_files/283/RTC_Enacted_Legislation_in_Eviction_Proceedings_FINAL.pdf.

Whether a renter has a constitutional claim against a utility for assisting with a self-help eviction depends on the facts. In one case, for example, a non-customer tenant sued the city utility after it terminated the tenant’s service, without notice, at the landlord’s request. The federal court found that the utility’s action violated the tenant’s constitutional rights because it effectively destroyed the tenant’s right under Florida landlord–tenant law to seek a court order preventing the landlord from performing the shutoff. Di Massimo v. City of Clearwater, 805 F.2d 1536, 1537–1538 (11th Cir. 1986). Other federal courts have also found due process violations in similar circumstances. See, e.g., Turpen v. City of Corvallis, 20 F.3d 978 (9th Cir. 1994) (finding a protected property interest in continued utility service based on Oregon landlord–tenant law); Durbin v. City of W. Memphis, Ark., 2015 WL 1470141, at *6 (E.D. Ark. March 31, 2015); but see Midkiff v. Adams Cty. Reg’l Water Dist., 409 F.3d 758 (6th Cir. 2005) (finding that Ohio landlord–tenant law provisions prohibiting landlords from unilaterally terminating water service to tenants “simply cannot be inflated to provide a right to continued water service”).