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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director
Legislative Policy Division Staff 

DATE: January 15, 2025

RE: **NATURAL GAS AND ELECTRICITY SHUTOFF MORATORIUM**

City Council Member Angela Whitfield Calloway has requested that the Legislative Policy Division prepare a memorandum exploring the possibility of implementing a moratorium on natural gas and electricity shutoffs during the winter heating season. Council Member Calloway specifically requested (1) information regarding the potential need for enabling legislation and (2) whether any existing Michigan law or regulation prohibits the enactment of a local ordinance to enforce such a moratorium. The requested information is addressed in the attached.

Please do not hesitate to reach out if we may be of any additional assistance.

Discussion of Existing Michigan Laws & Regulations

In the City of Detroit, a municipal moratorium (a temporary suspension of a particular activity or process) may be issued by either the executive or legislative branch of government. The Mayor may issue moratoriums through Executive Orders, which establish immediate, temporary moratoriums on city-regulated activities, such as the city's 2019 moratorium on junk/tow yards. The executive branch may also establish a moratorium through internal departmental policy changes, such as the previous moratorium on water service interruptions, instituted by the Detroit Water and Sewerage Department (DWSD) in coordination with the Mayor. Moratoriums issued by the City Council may be implemented by ordinance, while judicial bodies, such as the 36th District Court, may also play a role in the issuance of moratoriums related to legal proceedings. However, the authority to issue a winter utility moratorium on residential natural gas and electricity disconnections rests exclusively with the Michigan Public Service Commission (MPSC).

The role of the MPSC is "to serve the public by ensuring safe, reliable, and accessible energy and telecommunications services at reasonable rates."¹ Under Act 3 of 1939 (MCL 460.6), the MPSC is vested with the power and jurisdiction over the regulation of all matters that pertain to the operation or direction of public utilities. Though the City of Detroit possesses broad police powers—an inherent authority that enables the city to regulate behavior and enforce orders to protect public health, safety, morals, and general welfare—as authorized under the state's Home Rule City Act (MCL 117.4f), the MPSC's exclusive power to regulate the administration of natural gas and electricity is a regulatory authority protected by state preemption. State preemption precludes local regulation where the state either expressly or implicitly blocks local governments from enacting supplementary local law in a particular area. In this instance, the state has expressed its intention to be the sole regulator of private utility companies, such as DTE Energy, through MCL 460.6, the foundational law vesting the power to oversee privately owned utilities exclusively in the MPSC. Accordingly, the Home Rule City Act allows the City of Detroit to regulate and place mandates on municipally owned utilities (such as the Detroit Water and Sewerage Department) but does not provide the city with the authority to regulate private, investor-owned utilities. Therefore, any municipal action that attempts to mandate a moratorium in this area is preempted by state law and, further, would likely conflict with state-approved shutoff rules and policies. The MPSC is the primary state body with the legal authority to mandate shutoff protections for gas and electric customers in Michigan.

However, despite state preemption preventing the city's issuance of a municipal moratorium, in 2022, the City Council urged the restoration and extension of DTE's self-imposed shutoff moratorium in a resolution passed by the City Council on April 12, 2022. The City Council sought relief for residents struggling with escalated energy costs in a post-COVID economy due to pandemic-era disconnections.²

State Legislation and the MPSC Weather-Related Policy

Since the City Council's 2022 call for an energy shutoff pause, the MPSC has not enacted a universal moratorium but has focused on reviewing utility policies for extreme weather while also exploring energy affordability programs (such as DTE's %-of-income pilot). In a news release from August 2025, the MPSC indicated its reopening of utility case no. U-20140 to review *extreme weather condition policies* and update rules for disconnecting customers during dangerous heat/cold months, responding to an increasing severity

¹ **Michigan Public Service Commission (MPSC)** — state agency that regulates utilities, offers consumer information (including shutoff protections and assistance), and provides links to administrative rules and statutes.

<https://www.michigan.gov/mpsc> (accessed January 6, 2026).

² Sarah Alvarez & Outlier Media, *Detroit City Council Calls on Michigan's Largest Utility to Pause Shut-offs, Explain Its High Electricity Rates*, ProPublica (Apr. 14, 2022), available at <https://www.propublica.org/article/detroit-city-council-calls-on-michigans-largest-utility-to-pause-shut-offs-explain-its-high-electricity-rates> (accessed Jan. 6, 2026).

of extreme weather events.³ According to the Citizen Utility Board of Michigan (CUB), "the MPSC indicated in its order that due to the increasing frequency and severity of extreme weather events, it has become necessary to revisit these policies and solicit feedback on the need for updates." CUB further provided that, "under current policies, utilities suspend disconnections only during periods in which certain weather conditions are forecasted. However, while the exact criteria for initiating a suspension vary among utilities in this situation, Michigan law requires that a shutoff notification be sent 10 days before an actual service termination for nonpayment.⁴ To prevent a shutoff, residents may pay their entire past-due balance, enroll in a payment plan, or apply for assistance, all of which include a shutoff hold during the application process.⁵

In an effort to prevent utility shutoffs for vulnerable families and seniors during cold winter months, on September 17, 2025, State Representative Tonya Myers Phillips (D-Detroit) introduced the Protect Kids and Seniors from the Cold Act (House Bill 5047) to protect vulnerable families from the dangers imposed by life-threatening winter utility shutoffs. The Protect Kids & Seniors from the Cold Act. As of December 19, 2025, the bill appears to still be in committee. The law aims to protect seniors aged 65 and older, as well as households with children 16 and under, that are enrolled in a statutorily mandated shutoff protection program during the winter heating season (Nov. 1 – March 31). Specifically, the legislation intends to:

- Protect children and seniors from the dangers of freezing during Michigan's cold winters.
- Eliminate injuries and death due to accidental fires caused by resorting to desperate measures to heat homes and keep warm.
- Prevent property damage caused by pipes bursting due to the cold when there is no heat in the home.
- Reduce costs for cities and counties related to emergency shelter services.
- Keep families together by reducing the need for foster care.
- Improve student educational performance by stabilizing home environments.
- Proactively protect Michiganders at a time when heating costs keep rising, even as the resources available to help families afford them are shrinking.⁶

In conclusion, the City of Detroit does not possess the power to override state law, which vests the MPSC with the authority to regulate private utility companies. The MPSC has established several workgroups to investigate specific issues or develop and streamline various regulatory activities.⁷ MPSC workgroups may include participants from MPSC staff, regulated utility companies, industry experts, utility customers (residents), and others. All workgroup meetings are indicated as open to the public on the State of Michigan website.⁸ MPSC workgroups relevant to the issue at hand include, but may not be limited to: [the Low-Income Energy Policy Board, the Multi-Utility Emergency Cooperability Workgroup, Energy Affordability and Accessibility Collaborative, and the Low-Income Workgroup.](#)

³ **CUB Advocates for Unconditional Shutoff Moratorium**, *Citizens Utility Board of Michigan* (Sept. 24, 2025), <https://cubofmichigan.org/blog/cub-advocates-for-unconditional-shutoff-moratorium/> (accessed Jan. 6, 2026).

⁴ **Statutory Requirement for 10-day Notice Before Shutoff**

Mich. Comp. Laws § 460.9q(3) (2024) ("A provider shall not shut off service unless it sends a notice to the customer by first-class mail or personally serves the notice not less than 10 days before the date of the proposed shutoff."). See also *Mich. Comp. Laws § 460.9q*

⁵ **Content of Shutoff Notice: Right to Payment Plan and Assistance Information**

Mich. Comp. Laws § 460.9q(5)(d)–(g) (2024) (notice must state customer's right to enter into a payment plan for undisputed amounts, that shutoff will be postponed for certified medical emergencies, and that during the heating season shutoff will be postponed for eligible low-income customers who enter into a winter protection payment plan and are actively seeking emergency assistance).

⁶ *Myers-Phillips Introduces Legislation to Protect Kids and Seniors from Winter Utility Shutoffs*, Michigan House Democrats (Sept. 16, 2025), <https://housedems.com/myers-phillips-introduces-legislation-to-protect-kids-and-seniors-from-winter-utility-shutoffs/> (accessed Jan. 6, 2026).

⁷ **Michigan Public Service Commission — Workgroups**, MPSC, *Michigan.gov*, <https://www.michigan.gov/mpsc/commission/workgroups> (accessed Jan. 6, 2026).

⁸ *Id.*