

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2079 Session of
2015

INTRODUCED BY GERGELY, KINSEY, STURLA, V. BROWN, LONGIETTI,
THOMAS, DRISCOLL, DAVIS, McNEILL, SCHLOSSBERG, BULLOCK,
GIBBONS, COHEN, KIM, ROZZI, BRADFORD, DEASY AND MAHONEY,
MAY 23, 2016

REFERRED TO COMMITTEE ON HEALTH, MAY 23, 2016

AN ACT

1 Establishing the Pennsylvania Low-Income Water and Wastewater
2 Assistance Program and the Pennsylvania Low-Income Water and
3 Wastewater Assistance Fund; and conferring powers and
4 imposing duties on the Department of Human Services and the
5 Auditor General relative to the administration of the
6 program.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 Low-Income Water and Wastewater Assistance Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Community sewage system." The term as defined in section 2
17 of the act of January 24, 1966 (1965 P.L.1535, No.537), known as
18 the Pennsylvania Sewage Facilities Act.

19 "Department." The Department of Human Services of the

1 Commonwealth.

2 "Fund." The Pennsylvania Low-Income Water and Wastewater
3 Assistance Fund established under this act.

4 "Household." An individual or group of individuals who are
5 living together as one economic unit and whose water or
6 wastewater services are customarily purchased in common or who
7 make undesignated payments for water or wastewater services as
8 part of a rental payment. A roomer and boarder who is related to
9 a member of the applicant household is considered to be a member
10 of the household.

11 "Program." The Pennsylvania Low-Income Water and Wastewater
12 Assistance Program established under this act.

13 "Supplier of water." The term as defined in section 3 of the
14 act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania
15 Safe Drinking Water Act.

16 "Water or wastewater service." The provision of water
17 service by a water supplier or the provision of wastewater
18 service by an owner or operator of a community sewage system.

19 Section 3. Pennsylvania Low-Income Water and Wastewater
20 Assistance Program.

21 (a) Establishment.--There is established the Pennsylvania
22 Low-Income Water and Wastewater Assistance Program to provide
23 assistance to low-income households that are at risk of having
24 water supply discontinued due to unpaid water or wastewater
25 bills.

26 (b) Eligibility.--Households applying for benefits under the
27 program shall meet the following eligibility requirements:

28 (1) The household members must have an annual income at
29 or below 100% of the Federal poverty guidelines.

30 (2) The household must receive one of the following:

- 1 (i) A water bill from a supplier of water.
- 2 (ii) A wastewater bill from the owner or operator of
- 3 a community sewage system.
- 4 (iii) A bill that is a combination of subparagraphs
- 5 (i) and (ii).

6 (c) Assistance payments.--The program shall provide for the

7 following:

8 (1) The amount of assistance based on the level of

9 household income may not:

10 (i) Exceed a maximum amount of \$500 per assistance

11 payment.

12 (ii) Be less than a minimum amount of \$100 per

13 assistance payment.

14 (2) A limit on the number of payments as follows:

15 (i) Except as provided in subparagraph (ii), the

16 assistance provided under this program may not exceed one

17 payment during a program year.

18 (ii) If excess money is available in the fund, the

19 department may issue one supplemental assistance payment

20 for the program year not to exceed a maximum amount of

21 \$250.

22 (3) The program shall provide the highest level of

23 assistance to those households that have the lowest incomes

24 per household member.

25 (4) The department shall send an assistance payment or a

26 supplemental assistance payment directly to the supplier of

27 water or the owner or operator of a community sewage system

28 that is owed payment from a participating household.

29 (5) The department shall provide a participating

30 household a statement of the amount of the assistance payment

or the supplemental assistance payment provided.

Section 4. Powers and duties of department.

(a) Administration.--The program shall be administered by the department.

(b) Departmental duties.--The department shall comply with the following:

(1) Establish procedures to assure that a water supplier or owner or operator of a community sewage system will:

(i) charge a participating household in the normal billing process the difference between the actual cost of the water or wastewater service and the payment made under this act; and

(ii) agree to not discriminate against a participating household.

(2) To the extent permitted by Federal law, coordinate with other low-income assistance programs administered by the Federal Government and the Commonwealth.

(3) To the extent permitted by Federal law, coordinate with other outreach activities for low-income households to assure that eligible households, especially households with elderly individuals or individuals with a disability, or both, are made aware of the availability of assistance under this act.

(4) Promulgate rules and regulations necessary to administer this program.

(5) Provide the General Assembly with an annual report that includes an independent audit, not later than September 30 of each year, covering all expenditures made in administering the program and any detailed recommendations for remedial changes in the program that will further the

1 purposes of this act.

2 (6) No later than six months after the effective date of
3 this section and every six months thereafter until this act
4 is fully implemented, provide a report to all of the
5 following officers:

6 (i) The Governor.

7 (ii) The chairperson and minority chairperson of the
8 Public Health and Welfare Committee of the Senate.

9 (iii) The chairperson and minority chairperson of
10 the Human Services Committee of the House of
11 Representatives.

12 (iv) The Inspector General.

13 (7) The report under paragraph (6) shall detail the
14 progress of the implementation of this act, including, but
15 not limited to, the following information:

16 (i) The cause of any delay in the full
17 implementation of this act.

18 (ii) Any technical impediments to the full
19 implementation of this act.

20 (c) Delegation of departmental duties.--The department may
21 designate county assistance offices or nonprofit agencies to
22 carry out the purposes of this act.

23 Section 5. Verification of eligibility.

24 The department shall verify the income eligibility of
25 recipients receiving water and wastewater assistance through the
26 program in accordance with the verification procedures in
27 sections 432.19 and 432.23 of the act of June 13, 1967 (P.L.31,
28 No.21), known as the Public Welfare Code, unless otherwise
29 prohibited by Federal law.

30 Section 6. Establishment of Pennsylvania Low-Income Water and

1 Wastewater Assistance Fund.

2 There is established the Pennsylvania Low-Income Water and
3 Wastewater Assistance Fund in the State Treasury for the sole
4 purpose of implementing the provisions of this act. The Treasury
5 Department shall credit to the fund interest earned by
6 investment of money in the fund. Money in the fund shall not
7 lapse to the General Fund at the end of a fiscal year. If money
8 in the fund is insufficient to pay all participating households,
9 the payments under this act shall be made on a pro rata
10 basis. No money may be expended from this fund except by annual
11 appropriation by the General Assembly.

12 Section 7. Powers and duties of Auditor General.

13 (a) Timing of performance audit.--The Auditor General shall
14 conduct and complete a performance audit of the program within
15 five years of the effective date of this section. Thereafter,
16 the Auditor General shall conduct performance audits at
17 intervals of not greater than five years from the date of
18 completing the immediately preceding performance audit. The
19 department and individuals administering the program shall make
20 available for the inspection of the Auditor General all records,
21 documents and other information that reasonably relate to the
22 conduct of the performance audit prescribed in this section.

23 (b) Content of performance audit.--The audit shall address
24 in detail the adequacy of the performance with respect to each
25 of the administrative and regulatory activities. The audit shall
26 make detailed recommendations to the Governor, the General
27 Assembly and the department for remedial and regulatory changes
28 in the program that will further the purposes of this act.

29 (c) Distribution of performance audit.--A copy of each
30 performance audit shall be transmitted to all of the following:

1 (1) The Governor.

2 (2) The chairperson and minority chairperson of the
3 Appropriations Committee of the Senate and the chairperson
4 and minority chairperson of the Appropriations Committee of
5 the House of Representatives.

6 (3) The chairperson and minority chairperson of the
7 Public Health and Welfare Committee of the Senate and the
8 chairperson and minority chairperson of the Human Services
9 Committee of the House of Representatives.

10 (4) The Attorney General.

11 (5) The Office of Inspector General.

12 (6) The department.

13 A copy of the performance audit shall be published as a notice
14 in the Pennsylvania Bulletin.

15 (d) Fraud reporting.--The Auditor General shall transmit
16 information uncovered during the conduct of the performance
17 audit relating to fraud to the Attorney General, the Office of
18 Inspector General and the department.

19 Section 8. Administrative costs.

20 No more than 5% of the annual appropriation for the program
21 may be used for administrative costs.

22 Section 9. Effective date.

23 This act shall take effect in 30 days.