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LEGISLATIVE REFERENCE BUREAU

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No._____

LEGISLATIVE REFERENCE BUREAU

AN ACT

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

INTRODUCED _____ **20**_____

By _____ **District NO.** ____

By _____ **District NO.** ____

By _____ **District NO.** ____

By _____ **District NO.** ____

See next page for additional co-sponsors.

☐ **Prior Session** _____

Referred to Committee on

Date_____**20**____

Reported_____**20**____

As Committed-Amended

Recommendation

_____

By Hon._____

AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

"Department." The Department of Human Services of the

Commonwealth.

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

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

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

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

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

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

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

(b) Eligibility.--A household applying for benefits under the program shall meet the following eligibility requirements:

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

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

(i) A water bill from a supplier of water.

(ii) A wastewater bill from the owner or operator of a community sewage system.

(iii) A bill that is a combination of subparagraphs (i) and (ii).

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

(1) The amount of assistance based on the level of household income may not:

(i) Exceed a maximum amount of $500 per assistance payment.

(ii) Be less than a minimum amount of $100 per assistance payment.

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

(i) Except as provided in subparagraph (ii), the assistance provided under this program may not exceed one payment during a program year.

(ii) If excess money is available in the fund, the department may issue one supplemental assistance payment for the program year not to exceed a maximum amount of $250.

(3) The program shall provide the highest level of assistance to those households that have the lowest incomes per household member.

(4) The department shall send an assistance payment or a supplemental assistance payment directly to the supplier of water or the owner or operator of a community sewage system that is owed payment from a participating household.

(5) The department shall provide a participating 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:

(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 purposes of this act.

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

(i) The Governor.

(ii) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate.

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

(iv) The Inspector General.

(7) Detail in the report under paragraph (6) the progress of the implementation of this act, including, but not limited to, the following information:

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

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

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

Section 5. Verification of eligibility.

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

Section 6. Establishment of Pennsylvania Low-Income Water and Wastewater Assistance Fund.

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

Section 7. Powers and duties of Auditor General.

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

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

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

(1) The Governor.

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

(3) The chairperson and minority chairperson of the Health and Human Services Committee of the Senate and the chairperson and minority chairperson of the Human Services Committee of the House of Representatives.

(4) The Attorney General.

(5) The Office of Inspector General.

(6) The department.

A copy of the performance audit shall be transmitted to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

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

Section 8. Administrative costs.

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

Section 9. Effective date.

This act shall take effect in 30 days.