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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 456 Session of  
2017

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INTRODUCED BY BREWSTER, BLAKE, HAYWOOD, COSTA AND HUGHES,  
FEBRUARY 28, 2017

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REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 28, 2017

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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  
20 Commonwealth.

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

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

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

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

15 "Water or wastewater service." The provision of water  
16 service by a supplier of water or the provision of wastewater  
17 service by an owner or operator of a community sewage system.  
18 Section 3. Pennsylvania Low-Income Water and Wastewater  
19 Assistance Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

17               (ii) If excess money is available in the fund, the  
18 department may issue one supplemental assistance payment  
19 for the program year not to exceed a maximum amount of  
20 \$250.

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

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

28           (5) The department shall provide a participating  
29 household a statement of the amount of the assistance payment  
30 or the supplemental assistance payment provided.

1 Section 4. Powers and duties of the department.

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

4 (b) Departmental duties.--The department shall:

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

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

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

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

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

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

24 (5) Provide the General Assembly with an annual report  
25 that includes an independent audit, not later than September  
26 30 of each year, covering all expenditures made in  
27 administering the program and any detailed recommendations  
28 for remedial changes in the program that will further the  
29 purposes of this act.

30 (6) No later than six months after the effective date of

1 this section and every six months thereafter until this act  
2 is fully implemented, provide a report to all of the  
3 following officers:

4 (i) The Governor.

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

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

10 (iv) The Inspector General.

11 (c) Contents.--The report under subsection (b)(6) shall  
12 detail the progress of the implementation of this act,  
13 including, but not limited to, the following information:

14 (1) The cause of any delay in the full implementation of  
15 this act.

16 (2) Any technical impediments to the full implementation  
17 of this act.

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

21 Section 5. Verification of eligibility.

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

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

30 The Pennsylvania Low-Income Water and Wastewater Assistance

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

10 Section 7. Powers and duties of Auditor General.

11 (a) Timing of performance audit.--The Auditor General shall  
12 conduct and complete a performance audit of the program within  
13 five years of the effective date of this section. Thereafter,  
14 the Auditor General shall conduct performance audits at  
15 intervals of no more than five years from the date of completing  
16 the immediately preceding performance audit. The department and  
17 individuals administering the program shall make available for  
18 the inspection of the Auditor General all records, documents and  
19 other information that reasonably relate to the conduct of the  
20 performance audit prescribed in this section.

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

27 (c) Distribution of performance audit.--

28 (1) A copy of each performance audit shall be  
29 transmitted to all of the following:

30 (i) The Governor.

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

5           (iii) The chairperson and minority chairperson of  
6 the Health and Human Services Committee of the Senate and  
7 the chairperson and minority chairperson of the Human  
8 Services Committee of the House of Representatives.

9           (iv) The Attorney General.

10          (v) The Office of Inspector General.

11          (vi) The department.

12          (2) A copy of the performance audit shall be published  
13 as a notice in the Pennsylvania Bulletin.

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

18 Section 8. Administrative costs.

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

21 Section 9. Effective date.

22          This act shall take effect in 30 days.