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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 292 Session of  
2019

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INTRODUCED BY A. DAVIS, STURLA, SCHLOSSBERG, T. DAVIS, HILL-  
EVANS, YOUNGBLOOD, MADDEN, McNEILL, LEE, BERNSTINE, DRISCOLL,  
ULLMAN, KORTZ, NEILSON AND WARREN, JANUARY 30, 2019

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 30, 2019

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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

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.--The Pennsylvania Low-Income Water and  
22 Wastewater Assistance Program is established 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.--A household applying for benefits under  
27 the 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

1 or the supplemental assistance payment provided.

2 Section 4. Powers and duties of department.

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

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

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

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

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

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

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

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

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

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

5           (i) The Governor.

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

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

11          (iv) The Inspector General.

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

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

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

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

22 Section 5. Verification of eligibility.

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

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

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

11 Section 7. Powers and duties of Auditor General.

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

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

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

30           (1) The Governor.

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

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

9           (4) The Attorney General.

10          (5) The Office of Inspector General.

11          (6) The department.

12 A copy of the performance audit shall be transmitted to the  
13 Legislative Reference Bureau for publication as a notice in the  
14 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.