

**To:** Jordan Cohen  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)

**From:** Lauren Christopher  
Office of Community Services  
Administration for Children and Families (ACF)

**Date:** April 9, 2021

**Subject:** Non-Substantive Change Request – Low Income Household Drinking Water and Wastewater Assistance Program Potential Grantee and Stakeholder Input Survey (OMB #0970-0531)

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This memo requests approval of non-substantive changes to the information collection, Low Income Home Drinking Water and Wastewater Assistance Program Potential Grantee and Stakeholder Input Survey, which was approved under the Formative Generic for ACF Program Support (OMB #0970-0531).

### ***Background***

On March 24, the Office of Community Services (OCS) received OMB approval for the Low Income Household Drinking Water and Wastewater Assistance Program Potential Grantee and Stakeholder Input Survey. The survey was developed to collect information from potential grantees and stakeholders to inform program design for the new Low Income Household Water Assistance Program (LIHWAP), which was authorized by the Consolidated Appropriations Act, 2021 (Public Law No: 116-260) signed on December 27, 2020.

OCS will hold informational conference calls on April 20 and 22 for state and tribal grantees, and stakeholders to review LIHWAP authorizing legislation and describe methods that will be employed to apply existing policies, procedures, and systems to grant awards. OCS plans to administer the survey as a follow up, allowing participants a specific timeframe following the call to submit responses.

LIHWAP is a new program on an emergency timeline for implementation. As such, OCS is working with the Office of Management and Budget to receive expedited review and approval of the Grantee State Plans that will be required from LIHWAP grantee applicants. To ensure an initial opportunity for potential grantee and stakeholder feedback on the proposed State Plan, OCS is requesting to modify the Low Income Home Drinking Water and Wastewater Assistance Program Potential Grantee and Stakeholder Input Survey to include questions related to the Plan template and burden. Adding questions related to the LIHWAP Plan to the survey will allow OCS to gather feedback on the proposed Plan as part of the same effort to gain feedback on the overall LIHWAP program design, thus supporting the emergency timeline for program implementation.

In addition to adding questions related to the Plan, OCS also requests modification to the terms

and conditions referenced within the survey. Per LIHWAP's authorizing legislation "the Secretary... shall, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households." Initially the survey referred to the LIHEAP terms and conditions for eligibility and consumer protections, and asked respondents to comment on any anticipated challenges related to adapting these LIHEAP terms for the LIHWAP. However, since the initial survey approval, OCS has been able to modify LIHEAP's terms and conditions to be specific to the LIHWAP program. Therefore, we are requesting to include LIHWAP terms and conditions and to modify questions to focus on any anticipated challenges in adapting grantee policies and procedures related to eligibility and consumer protections with consideration for the actual terms and conditions for LIHWAP.

### ***Overview of Requested Changes***

#### **4.A Household Eligibility- Adaptation of LIHEAP Criteria**

The question previously stated "LIHEAP grant resources may be used to make payments only with respect to the following..." LIHEAP terms and conditions were then listed. The follow up question asked if the grantee could adapt LIHEAP criteria to the new water program.

The modified question states "...LIHWAP grant resources may be used to make payment only with respect to the following..." LIHWAP terms and conditions are listed. The follow up question is the same.

#### **4.D. State or Tribal Regulations/Rulemaking**

The last sentence of this question was modified to include reference to the emergency nature of distributing LIHWAP funds. "What federal guidance or technical assistance would aid in the expedited distribution of funds **on an emergency basis** consistent with congressional instructions?"

#### **4.F. Consumer Protection**

The question previously stated "...States, Territories and Tribes must provide assurances...which are included in the LIHEAP statute and summarized below." The follow up question asked for any anticipated challenges in adapting LIHEAP consumer protections to meet terms and conditions focused on water utility payments..."

The modified question states "...States, Territories, and Tribes must provide assurances of certain consumer protections, which are included in the LIHWAP Terms and conditions and summarized below." The follow up question asks for anticipated challenges in adapting LIHEAP consumer protection processes, procedures and policies assurances to meet the LIHWAP Terms and Conditions.

#### **9. Comments on LIHWAP Model Plan**

The Office of Community Services proposes to add the following questions related to the LIHWAP Plan.

9.A. - 9.L. Are titled and correspond to the sections of the Model Plan and include general comments. Each section includes two possible responses (1) “no suggestions or clarification”, or (2) “suggestions or clarifications provided” with a text box for further comment.

9.M. Requests the estimated burden for grantees to complete the state plan. Responses are multiple choice and include (a) 4 hours or less, (b) 4-8 hours, (c) 8-12 hours, (d) Over 12 hours.

We have increased the estimated time to complete the survey from 30 to 50 minutes to account for the additional time to provide input on the Model Plan.

### ***Time Sensitivities***

OCS intends to hold informational and feedback sessions related to LIHWAP on April 20 for all grantees and stakeholders, and April 22 for tribes, specifically. The survey will be sent as an immediate follow up to the first session. OCS is concurrently working to publish a notice in the Federal Register alerting the public to the request for expedited review and approval of the LIHWAP Plan and inviting additional comment for a 60-day period.