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## Low Income Home Drinking Water and Wastewater Assistance Program

### Potential Grantee and Stakeholder Input Survey

#### Background

The Office of Community Services (OCS) within the Administration for Children and Families (ACF) is seeking expedited input in the development of a new Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, hereafter referred to as the Low-Income Household Water Assistance Program (LIHWAP). The Consolidated Appropriations Act, 2021 (Public Law No: 116-260) signed on December 27, 2020, included \$638,000,000 in funding with instructions for the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) to carry out grants according to the instructions below.

SEC. 533. For an additional amount for “Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs”, \$638,000,000, to prevent, prepare for, and respond to coronavirus, for necessary expenses for grants to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program: Provided, That the Secretary of Health and Human Services shall make grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services: Provided further, That in carrying out this appropriation, the Secretary, States, and Indian Tribes, as applicable, shall, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing programs and program announcements, application and approval processes: Provided further, That the Secretary shall allot amounts appropriated in this section to a State or Indian Tribe based on the following (i) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, with income equal to or less than 150 percent of the Federal poverty line, and (ii) the percentage of such households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing: Provided further, That up to 3 percent of the amount appropriated in this section shall be reserved for Indian Tribes and tribal organizations: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021”.

*Please refer to statutory language above as a reference in answering the questions on the following pages.*

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### 1. Organization/Sector Represented

- What type of organization do you represent (check one)?
  - State LIHEAP Administrator
  - Other State Agency (Specify) \_\_\_\_\_
  - Tribal LIHEAP Administrator
  - Other Tribal Agency (Specify) \_\_\_\_\_
  - U.S. Territory LIHEAP
  - Private Water Utility
  - Public Water Utility
  - Association or Membership Organization (specify) \_\_\_\_\_
  - Other (specify) \_\_\_\_\_
  
- What is your particular role in the organization?
  - LIHEAP Director
  - Executive Director/Senior Leadership
  - Legislative Advocate/Policy Advocate
  - Other Community Program Manager
  - Public Affairs/Community Relations
  - Financial Administrator
  - Other (specify) \_\_\_\_\_
  
- Do you anticipate that the same agency that administers LIHEAP in your state, territory, or tribe will also administer the new LIHWAP water program or that a different agency will be selected? (select one)
  - The same agency that administers LIHEAP will administer LIHWAP
  - A different state agency will administer LIHWAP
  - Undetermined/Don't know.
  
- If you anticipate it will be a different agency, what type of the agency will likely administer LIHWAP?
  - Community Development/Community Services
  - Social Services
  - Public Health
  - Environmental
  - Housing
  - Other

Provide the name of the agency that will administer (if available)

*Text - 500 Characters or less*

### 2. Understanding of Drinking Water and Wastewater Needs

- Please briefly describe what, to your current knowledge, are the most critical water access issues for low-income households that pay a high proportion of household

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income for drinking water and wastewater services in the community or communities served or represented by your organization. For example, issues may include cost, quality, safety, disconnection policies, late fees, home liens, delivery systems, etc.

*Text - 1000 Characters or less*

### 3. Existing Water Assistance Programs and Supports

- Are you aware of any existing state or community water assistance programs or other utility supports (either in your state, territory, or tribal area or in other states and communities) that can be adapted/coordinated with this new effort?
  - Yes
  - No
  - i. If yes, what is the funding source? (Check all that apply)
    - Community Services Block Grant
    - Other Federal Government Grant
    - State Government
    - Local Government
    - Foundation/Philanthropic Organization
    - Other (Specify) \_\_\_\_\_
  - ii. If yes, please briefly describe the current supports and potential areas for coordination below.

*Text 500 Characters -*

- ii. If yes, what service area does the program cover? (e.g. entire state, selected communities/zip codes) Specify briefly below.

*Text 500 Characters - Please provide specific zip codes if available for specific communities*

- iii. If yes, please briefly describe any eligibility requirements or application procedures related to existing water assistance programs. If available, a weblink may be provided.

*Text 500 Characters - Please provide a weblink if available.*

4. **Adaptation of Existing Policies and Procedures**

As noted above, Congress instructed that “in carrying out this appropriation, the Secretary, States, and Indian Tribes, as applicable, shall, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing programs and program announcements, application and approval processes,” (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021). Consistent with these Congressional instructions, ACF will be closely modeling the procedures and requirements for this funding on existing programs such as LIHEAP and other related programs.

*Please briefly provide your recommendations related to the following program areas.*

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

The LIHWAP Terms and Conditions (which are modeled on LIHEAP statutory assurances) indicate that LIHWAP grant resources may be used to make payments only with respect to the following household eligibility criteria—

- i. Grant resources may be used to make payments only with respect to—households in which one or more individuals are receiving—
    - 1. assistance under the State program funded under part A of title IV of the Social Security Act;
    - 2. supplemental security income payments under title XVI of the Social Security Act;
    - 3. food stamps under the Food Stamp Act of 1977;
    - 4. payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
    - 5. payments under the Low Income Home Energy Assistance Program (LIHEAP); **or**
  - ii. households with incomes that do not exceed the greater of-
    - 1. an amount equal to 150 percent of the poverty level for such State; or
    - 2. an amount equal to 60 percent of the State median income;
    - 3. except that a State, Territory, or Tribe may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for the State, but the State, Territory, or Tribe may give priority to those households with the highest home water costs or needs in relation to household income.
- Can your state, territory or tribe adapt LIHEAP criteria to the new water program (LIHWAP) criteria?
    - Yes

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- No
- Possibly
- Don't Know

Regardless of your answer above, please identify any challenges you anticipate in adapting existing eligibility determination procedures for a new water program within your state, territory, or tribe (or among the organizations represented by your association if applicable).

*Text 1000 Characters*

### 4.B. Targeting Benefits to Low-Income Households with Highest Water Burden

The appropriations language for LIHWAP indicates that assistance is targeted to households with the lowest incomes that pay a high proportion of household income for drinking water and wastewater services. Please describe any challenges you anticipate in adapting the existing LIHEAP benefit matrix tools (which focuses on providing benefits to households with the highest energy burden) for use in distributing LIHWAP assistance, as well as any challenges in adapting existing procedures for determining which households receive assistance and how much will be available to each household.

*Text 1000 Characters*

### 4.C. Selection of Sub-providers

What kind of federal guidance or technical assistance do you anticipate needing regarding the selection of subproviders to administer LIHWAP in communities. In particular, describe the benefits and challenges associated with using existing LIHEAP provider agencies to administer LIHWAP benefits. Please include any relevant procurement or grant procedures and timeframes involved, such as whether you would be modifying existing agreements or entering into new ones and the timing of such actions.

*Text 1000 Characters*

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

Please briefly describe any likely state or tribal rulemaking necessary to distribute LIHWAP assistance according to the legislative instructions to adapt existing processes and procedures for this new effort. For example, is a legislative approval or tribal council resolution required to expend federal funds. What are likely timelines for completion? Do you anticipate that expedited rulemaking (or use of existing regulations, revised policy manuals, emergency exceptions, or general contract rules/terms and conditions) may be used to expedite the distribution of funds? What federal guidance or technical assistance would aid in the expedited distribution of funds on an emergency basis consistent with congressional instructions?

*Text 1000 Characters*

#### 4.E. Vendor Agreements or Payment Arrangements

The appropriations language for LIHWAP indicates that households will be assisted by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.

Does your agency already have a water utility vendor agreement?

- Yes
- No
- Not Applicable

Regardless of your answer above, please describe any opportunities and challenges associated with adapting existing LIHEAP vendor agreements or other payment arrangements with energy companies for use with water utilities. What special issues do you anticipate in negotiating and finalizing agreements? What is the likely timeline necessary to complete vendor agreements or other payment arrangements? What special issues should be considered (e.g. arrangements to pay water bills when costs are incorporated with rental payments or fees)?

*Text 1000 Characters*

#### 4.F. Consumer Protections

In order to receive LIHWAP grant funds, States, Territories, and Tribes must provide assurances of certain consumer protections, which are included in the LIHWAP Terms and conditions (T&C) and are summarized below.

**LIHWAP T&C 11(g)** requires that “The grantee will assess policies, procedures, and benefit levels on behalf of households to ensure continuity of water services, including prevention of disconnection and restoration water services to households for which water services were previously disconnected.”

**LIHWAP T&C 11(h)** requires that “The grantee will provide funds to owners or operators of public water systems or treatment works (“owners or operators”) to reduce arrearages of and rates charged to eligible households for such services. For all payments to owners or operators on behalf of individual households, the grantee must establish procedures to:

- iii. notify, or require the owner or operator to notify, each participating household of the amount of assistance paid on its behalf;
- iv. assure that the owner or operator will charge the eligible household, in the normal billing process, the difference between the actual amount due and the amount of the payment made by the LIHWAP grant;
- v. assure that any agreement the grantee enters into with an owner or operator under this paragraph will contain provisions to assure that no household receiving assistance under this grant will be treated adversely because of such assistance under applicable provisions of State, Territorial or Tribal law or public regulatory requirements;
- vi. ensure that the provision of payments to the owner or operator remains at the

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- option of the grantee, in consultation with local subgrantees; and
- vii. ensure that the owner or operator provides written reconciliation and confirmation on a regular basis that benefits have been credited appropriately to households and their services have been restored on a timely basis or disconnection status has been removed if applicable.”

**LIHWAP T&C 11(i)** requires that “the grantee will not exclude income-eligible households (described above in condition 11(c)(ii)) [related to income eligibility] from receiving home water assistance benefits.”

**LIHWAP T&C 11(j)** requires that “the grantee will establish procedures to treat owners and renters equitably under the program assistance provided with these grant resources.”

Please briefly describe any issues, challenges, or concerns that might arise in adapting existing LIHEAP consumer protection processes, procedures and policies to meet the LIHWAP Terms and Conditions outlined above.

*Text 1000 Characters*

### 4.E. Data Collection and Reporting

OCS is seeking to assure adequate data collection and reporting to provide reasonable information on accountability and results from this new effort, while also ensuring a manageable data collection burden for grantees. Do you have any recommendations regarding the adaptation of LIHEAP data collection procedures for use in this new effort? In your assessment, what data elements are essential for this new effort?

*Text 1000 Characters*

### 5. Tribal Government Needs (If Applicable)

- What unique issues are you aware of with regard to tribal administration of water utility support? For example, issues may include availability of data on household water burden, tribal ownership of water utilities, water delivery infrastructure (e.g. wells vs. plumbing systems), land ownership and water bills? Please describe any unique issues or concerns for state-recognized vs. federally-recognized tribes that currently receive LIHEAP. Please briefly describe any recommended federal guidance or technical assistance that would be helpful in addressing these issues.

*Text – 1000 Characters or less*

### 6. Anticipated Technical Assistance Needs

- Please briefly describe anticipated federal technical assistance needs for this new effort. What technical assistance tools do you recommend:
  - Templates for vendor agreements
  - Templates or outlines for State LIHWAP implementation plans

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- Templates for Benefit Matrix
- Consultation services
- Webinars
- Other: (specify)

In the space below, briefly describe key recommended focus areas for technical assistance.

*Text – 1000 Characters or less*

### 7. Anticipated Timeframe for Assistance to Households

- Please provide a rough estimate for when you think your new water assistance program would begin accepting applications from households. Estimate the number of months from the date you receive the grant award letter from our agency. *Note: Do not reply to this question if you are not replying on behalf of a state agency that will be directly involved in the administration of LIHWAP.*
  - 3 months or less
  - Between 3 months and 6 months
  - Between 9 months and 12 months
  - Between 12 months and 15 months
  - Between 15 months and 18 months
  - Longer than 18 months

- Explain:

In the space below, briefly describe any key factors that impacted your timeframe estimate.

*Text – 1000 Characters or less*

### 8. Other General Comments

- Please provide comments on any other issues, concerns, or recommendations not addressed in the questions above.

*Text – 1000 Characters or less*

### 9. Comments on LIHWAP Model Plan

The Office of Community Services has posted a draft version of the LIHWAP Model Plan (which will be used by States, Territories and Tribes) to the following website:

<https://www.acf.hhs.gov/ocs/programs/lihwap>

***Please provide any comments and recommendations for clarification or improvement to this model plan below.***



**9.A. Funding Allocations (LIHWAP Model Plan Section 1)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.B. Benefits (LIHWAP Model Plan Section 2)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.C Outreach (LIHWAP Model Plan Section 3)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.D. Coordination (LIHWAP Model Plan Section 4)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.E. Agency Designation (LIHWAP Model Plan Section 5)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.F. Water Suppliers (LIHWAP Model Plan Section 6)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.G. Program, Fiscal Monitoring and Audit (LIHWAP Model Plan Section 7)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.H. Timely and Meaningful Public Participation (LIHWAP Model Plan Section 8)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.I. Fair Hearing (LIHWAP Model Plan Section 9)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.I. Training (LIHWAP Model Plan Section 10)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.J. Performance Goals and Measures (LIHWAP Model Plan Section 11)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.K. Program Integrity (LIHWAP Model Plan Section 12)**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.L. Other General Comments on LIHWAP Model Plan**

- No suggestions or clarifications
- Suggestions or clarifications provided (enter text below)

*Text – 1000 Characters or less*

**9.M. Estimated Time Burden for State Completion of LIHWAP Model Plan**

- Based on your review of this plan, what do you estimate to be the likely time burden for the completion of the Grantee LIHWAP Model Plan based on the format provided? Please note that this estimate should be based on the actual time to complete the forms, not on the time required for planning or for obtaining the necessary organizational information for this plan.

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- 4 hours or less
- 4-8 hours
- 8-12 hours
- Over 12 hours (specify)\_\_\_\_\_

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