



N A R U C

National Association of Regulatory Utility Commissioners

March 14, 2024

The Honorable Bernie Sanders
Chair
Senate Committee on Health, Education
Labor & Pensions (HELP)
332 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bill Cassidy
Ranking Member
Senate Committee on Health, Education
Labor & Pensions (HELP)
455 Dirksen Senate Office Building
Washington, DC 20510

RE: The Senate HELP committee must help your most vulnerable constituents. The committee must act quickly to markup and send to the Senate floor S. 3830 – a bill that creates a permanent Low-Income Household Water Assistance Program.

On February 28, 2024, Senator Alex Padilla (D-CA) introduced the Low-Income Household Water Assistance Program (LIHWAP) Establishment Act ([S.3830](#)). The bill was referred to as Senate HELP.

We urge each of you to join with every member of your committee to proceed quickly to markup and a vote to send this bill to the Senate floor.

As the first federal program to exclusively assist low-income families with their water and wastewater bills, LIHWAP assisted over 1.4 million households by the fourth quarter of FY 2023.¹ Access to clean and safe drinking water is essential for every person's daily living, sanitation, and ability to function in the economy. The lack of running water makes a dwelling uninhabitable. Unfortunately, that program expired last year. But the need for the program has only increased.

The National Association of Regulatory Utility Commissioners (NARUC) is a bipartisan organization representing Public Service Commissioners from every U.S. State, the District of Columbia, and U.S. Territory responsible for assuring reliable power and water utility services to your constituents. NARUC has advocated for a federal low-income water program for years.

In November of 2021, NARUC passed a [Resolution Encouraging Permanent Federal Low-Income Household Water Assistance Program](#). The next year, in November, 2022, NARUC passed another [Resolution Calling for Permanent Annual Federal Funding for a Low-Income Household Water Assistance Program](#). A copy of both resolutions is attached.

¹ Quarterly Reports, HHS's Low Income Household Water Assistance Program Data Dashboard, <https://lihwap-hhs-acf.opendata.arcgis.com/pages/quarterly-reports> (last accessed March 11, 2024)

The now expired LIHWAP proved itself to be a successful program in getting assistance to those who need it the most. S. 3830 can have a similar beneficial impact on those that need help the most to maintain access to water.

NARUC urges each member of this committee to support S. 3830 and move quickly to send the bill to the Senate floor.

We look forward to working with Congress to permanently fund the LIHWAP program.

If you have any questions about this letter, please do not hesitate to contact either the undersigned or Brad Ramsay, NARUC's General Counsel, at 202.898.2207 or jramsay@naruc.org.

Respectfully Submitted,

Jeff Hughes
Chair, NARUC Committee on Water

Greg White
NARUC Executive Director

cc: *Members, Senate Committee on Health, Education, Labor, and Pensions.*

November 15, 2022

Resolution Calling for Permanent Annual Federal Funding for a Low-Income Household Water Assistance Program

Whereas the Consolidated Appropriations Act of 2021, which became law on December 27, 2020, provided \$638 million to the U.S. Department of Health and Human Services (“HHS”), Office of Community Services (“OCS”) and Administration for Children and Families (“ACS”) for grants to carry out a Low-Income Household Water Assistance Program (“LIHWAP”) in response to the coronavirus pandemic;

Whereas on March 11, 2021, the American Rescue Plan Act appropriated an additional \$500 million in emergency spending for LIHWAP bringing the total funding for the program to \$1.138 billion;

Whereas LIHWAP is an emergency program to assist low-income households with their water and wastewater bills. The priority for LIHWAP is to ensure that households whose services have been disconnected due to non-payment, or are about to be disconnected, are able to have their services restored as quickly as possible;

Whereas these grants issued through LIHWAP provide funds to owners or operators of public water systems or treatment works to reduce arrearages and rates of low-income households. For the purposes of LIHWAP, “owners and operators of public water systems” are utilities that provide water for human consumption through pipes or other constructed conveyances, and include the water utilities regulated by the state public utility commissions that comprise the National Association of Regulatory Utility Commissioners (“NARUC”);

Whereas parties eligible to apply for LIHWAP grants are the states, the District of Columbia, the Commonwealth of Puerto Rico, U.S. territories, federally and state-recognized Indian tribes, and tribal organizations that received similar utility assistance grants in fiscal year 2021;

Whereas establishing a new federal assistance program was a complex process at the federal, state, territory, tribal and local level. It required an extensive amount of effort by OCS, states and utilities to get the program up and running, ensure customers were aware of the program, and to distribute funds to those eligible;

Whereas data from the LIHWAP 3rd Quarter Report indicates that during the first three quarters of Fiscal Year 2022 (October 2, 2021 – June 30, 2022) 46 states and over 70 tribes have submitted LIHWAP applications; over 304,000 households received LIHWAP assistance and over 99,000 households had services restored or disconnection prevented through LIHWAP benefits assistance;

Whereas LIHWAP is a temporary emergency program that runs from January 4, 2022, until September 30, 2023, or when the program expends all of its funds;

Whereas the lack of permanent funding for a federal low-income water assistance program is troubling. Safe and reliable drinking water is essential for daily living, sanitation and a well-functioning economy;

Whereas the U.S. economy continues to falter with inflation and rising interest rates, which means the need to help customers pay their water bills continues to exist;

Whereas lack of running water makes a dwelling uninhabitable; and

Whereas should the LIHWAP program expire without establishing a permanent fund, water customers who have relied on LIHWAP to help pay their bills will suffer without this assistance;
now, therefore be it

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2022 Annual Meeting and Education Conference in New Orleans, Louisiana, urges Congress to provide permanent annual funding for a federal Low-Income Household Water Assistance Program.

Sponsored by the Committee on Water

Adopted by the NARUC Board of Directors on November 15, 2022

November 9, 2021

Resolution Encouraging Permanent Federal Low-Income Household Water Assistance Program

Whereas on March 13, 2020, President Trump declared a national emergency in response to COVID-19. This followed the U.S. Department of Health and Human Services (“HHS”) declaration of a nationwide public health emergency on January 31, 2020, pursuant to 42 U.S.C. 247d, and the World Health Organization (“WHO”) declaration of a pandemic on March 11, 2020;

Whereas on December 27, 2020, the Consolidated Appropriations Act of 2021 became law and provided \$638 million to HHS and the Administration for Children and Families to prevent, prepare for, and respond to coronavirus, for necessary expenses and for grants to carry out a low-income household drinking water and wastewater emergency assistance program (“LIHWAP”);

Whereas LIHWAP provides funds to low-income household with water and wastewater bills;

Whereas LIHWAP grants are available to states, the District of Columbia, the Commonwealth of Puerto Rico, U.S. territories, federally and state recognized Indian tribes, and tribal organizations that received low-income household energy assistance program (“LIHEAP”) grants in fiscal year 2021;¹

Whereas under the Consolidated Appropriations Act of 2021, it was provided for and directed that the Secretary shall allot LIHWAP grants 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;²

Whereas on March 11, 2021, an additional \$500 million was appropriated in the American Rescue Plan Act (ARP) of 2021 in emergency spending to assist low-income households with water and wastewater bills. The \$500 million in funds were specifically appropriated to HHS for the LIHWAP grant program, for fiscal year 2021, out of any amounts in the treasury not otherwise appropriated to remain available until expended.

As before, LIHWAP grants were provided to States and Indian tribes to assist low-income households, particularly those within the lowest incomes, that pay a high portion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water and wastewater systems or treatment works to reduce arrearages of and rates charged to such households for such services;

Whereas States, the District of Columbia, Territories, and Tribes/Tribal organizations, that are current fiscal year 2021 LIHEAP grantees, wishing to administer LIHWAP, must submit an application for funds by submitting a LIHWAP Plan no later than October 15, 2021, covering the grant period of May 27, 2021, through September 30, 2023;³

Whereas on July 21, 2021, the Office of Community Services (“OCS”) published an information memorandum for distribution to program administrators on benefit policy and matrix resources for fiscal year 2021. In this memorandum, three priority groups are identified: 1) households with disconnected

water services, 2) households with pending disconnections of water services, and 3) households seeking help with current water bills;⁴

Whereas on July 23, 2021, OCS published an information memorandum regarding the use of funds. This memorandum makes clear that LIHWAP does not have permanent statutory authorization nor further appropriations after current funding runs out;⁵

Whereas on September 28, 2021, OCS published an information memorandum on categorical eligibility for fiscal year 2021. This memorandum clarifies that households that currently qualify for: LIHEAP, Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program, and/or means-tested veterans programs (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), can be included in grantees' LIHWAP eligibility procedure.⁶ Means-tested eligibility ensures that the most needy are receiving assistance on their water bills;

Whereas on September 30, 2021, OCS published an information memorandum regarding renter households for fiscal year 2021, ensuring that low-income households whose water utilities are provided and/or controlled by a landlord are equally served under the program;⁷

Whereas the Senate passed the Drinking Water and Wastewater Infrastructure Act of 2021 on April 29, 2021, which includes a pilot rural and low-income water assistance program run by the Environmental Protection Agency ("EPA").⁸ The House of Representatives introduced the Low-Income Water Customer Assistance Programs Act of 2021 on May 18, 2021, and calls for a permanent program also administered by the EPA.⁹ The Infrastructure Investment and Jobs Act, awaiting final vote in the House, includes a "Needs Assessment for Nationwide Rural and Urban Low-Income Community Water Assistance" and a pilot program run by the EPA. Inclusion of water assistance programs in recent legislation demonstrates the public need and political will for such a program, albeit with minor modifications listed below;

Whereas LIHWAP as currently administered is emergency legislation and is not a permanently authorized program;

Whereas water is a basic need, and access to adequate water and wastewater service is threatened as a result of a complex set of factors, including the expense of replacing and maintaining aging infrastructure in both urban and rural areas, as well as declining customer bases to share the expense of those needed upgrades in rural areas, areas with a disproportionate share of residents already paying a high portion of household income for drinking water and wastewater services; *now, therefore be it*

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2021 Annual Meeting and Education Conference, urges Congress and the Administration to support legislation, budget measures, and regulations that provide assistance to the development and deployment of permanent low-income household drinking water and wastewater assistance programs that are available to all customers regardless of utility ownership; *and be it further*

Resolved that a permanent federal low-income drinking water and wastewater assistance program should be funded at levels equivalent to other federal low-income utility assistance programs.

Sponsored by the Committee on Water

Adopted by the NARUC Board of Directors on November 9, 2021

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

2 <https://www.acf.hhs.gov/ocs/law-regulation/lihwap-laws-and-regulations>

3 <https://www.acf.hhs.gov/ocs/policy-guidance/lihwap-2021-11-action-letter-october-fy2021>

4 <https://www.acf.hhs.gov/ocs/policy-guidance/lihwap-information-memorandum>

5 Ibid.

6 Ibid.

7 Ibid.

8 <https://www.congress.gov/bill/117th-congress/senate-bill/914/text>

9 <https://www.congress.gov/bill/117th-congress/house-bill/3293/text?r=1&s=2>