

Low-Income Household Water Assistance Program (LIHWAP) Establishment Act

Section-by-Section

February 2024

Section 1. Short Title

This Act may be cited as the Low-Income Household Water Assistance Program Establishment Act.

Section 2. Low-Income Household Water Assistance Program

(a) Definitions

“Low-income household” means a household—

- A) In which 1 or more individuals are receiving assistance under the following programs—
 - Low-Income Home Energy Assistance Program (LIHEAP)
 - Means-tested Veterans Programs
 - Supplemental Security Income (SSI)
 - Supplemental Nutrition Assistance Program (SNAP)
 - Temporary Assistance for Needy Families (TANF)
- B) That has an income that, as determined by the State or Indian tribe, does not exceed the greater of—
 - (i) an amount equal to 150 percent of the poverty level;
 - (ii) an amount equal to 60 percent of the State median income for that State or the State in which the Indian tribe is primarily located; or
 - (iii) an amount equal to 60 percent of the Area Median Income for the area in which the household is located.

“Qualified nonprofit organization” includes a nonprofit organization described in section 680(a)(3)(B) of the Community Services Block Grant Act (42 U.S.C. 9921(a)(3)(B)).

(b) Establishment of the Low-Income Household Water Assistance Program

- Directs the Secretary of Health and Human Services in consultation with the Administrator of the Environmental Protection Agency to establish the Low-Income Household Water Assistance Program to award grants to eligible entities (States, Tribes, and Territories) to provide funds to owners and operators of public water systems or treatment works to assist low-income households in paying arrearages and other rates charged to such households for drinking water or wastewater services.
- “Eligible Entity” means a State, which means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; or Indian tribe, that is eligible to receive or previously received a grant under the Low-Income Home Energy Assistance Act of 1981.
- Eligible entities may also use up to fifteen percent of funds to offset the cost of administering, determining eligibility of, and conducting outreach to low-income households.
- **Formula:** Directs the Secretary of Health and Human Services to award grants to States or Tribes based on the percentage of households in the State or Tribe with income equal to or less than 150 percent of the poverty level or that spend more than 30 percent of monthly income on housing.

- Reserves three percent of award funding to provide grants to nonprofits in rural or underserved areas or for Tribes.

(c) Rural, Underserved, and Indian Tribe Access Grants

- Provides grants to qualified nonprofit organizations to assist owners or operators of public water systems or treatment works, in rural or underserved areas or in the jurisdiction of an Indian tribe, in accessing funds through the Low-Income Household Water Assistance Program.

(d) Applications

- Directs the Secretary of Health and Human Services to establish application requirements for all eligible entities to apply for program funds and submit to the Agency.

(e) Limitations

- Restricts the use of funds for the purpose of reimbursing awarded entities for any other program that assists low-income households maintain access to affordable drinking water or wastewater services.

(f) Technical Assistance

- Directs the Secretary of Health and Human Services to provide technical assistance to help establish data sharing agreements that streamline eligibility requirements for low-income households.

(g) Transfer Authority

- Establishes that upon the completion of the Environmental Protection Agency report on the results of the “Rural and Low-Income Water Assistance Pilot Program” as directed by the *Infrastructure Investment and Jobs Act*, the Secretary of Health and Human Services must transfer the Low-Income Household Water Assistance Program authority to the Environmental Protection Agency.
- Establishes that the Administrator of the Environmental Protection Agency will carry out all functions of the Secretary of Health and Human Services for purposes of administering the program.
- **Unobligated balances:** Clarifies that all grants previously awarded by the Secretary of Health and Human Services must still be administered by the Secretary but that all other unobligated balances will be transferred to authority of the Administrator of the Environmental Protection Agency.

(h) Appropriations

- Authorizes such sums as may be necessary to carry out this section.