



CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

GRACEY VAN DER MARK MAYOR

July 3, 2024

The Honorable Alex Padilla
United States Senate
Washington, DC 20510

Re: S3830 Low-Income Household Water Assistance Program

Dear Senator Padilla,

The City of Huntington Beach, representing drinking water and wastewater systems is pleased to endorse the “Low-Income Household Water Assistance Program Establishment Act” (LIHWAP). The legislation represents an important step toward permanently enshrining low-income water and wastewater ratepayer aid. Communities across the country face extreme costs in the coming decades to maintain and upgrade their water and wastewater systems. These investments will be needed to confront aging infrastructure, changing climactic conditions, and to protect consumers from emerging contaminants.

Despite the historic federal investments in water infrastructure made through the Bipartisan Infrastructure Law, which will help reduce the expense, the vast majority of water and wastewater system investment will continue to be borne by local water ratepayers – posing significant challenges to individuals and households at the lower end of the income scale. Today the cost of basic water service already imposes hardships on many low-income households.

However, LIHWAP was only established as a temporary program, and its initial appropriation expired at the end of the 2023 fiscal year. As a result, without further congressional action water rate assistance will no longer be part of the federal safety net, putting many Huntington Beach households at risk of losing their water service.

The “Low-Income Household Water Assistance Program Establishment Act” would address this problem by providing a long-term authorization for LIHWAP, allowing Health and Human Services to continue its important work of allocating funding to states and tribes for distribution to drinking water and wastewater systems to offset the bills and arrearages of qualifying low-income customers.

Again, our City strongly support congressional action to provide for the uninterrupted funding and operation of LIHWAP, and we appreciate that the “Low Income Household Water Assistance Program Establishment Act” would achieve this goal.

Sincerely,

Gracey Van Der Mark
Mayor

Cc: West Orange County Water Board

S. 3830

To authorize the Low-Income Household Water Assistance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2024

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Low-Income Household Water Assistance Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) HOUSEHOLD.—The term “household” means any individual or group of individuals who are living together as 1 economic unit.

(3) LOW-INCOME HOUSEHOLD.—The term “low-income household” means a household—

(A) in which 1 or more individuals are receiving—

(i) assistance under the State program funded under part A of title IV of the Social Security Act ([42 U.S.C. 601 et seq.](#));

(ii) supplemental security income payments under title XVI of the Social Security Act ([42 U.S.C. 1381 et seq.](#));

(iii) supplemental nutrition assistance program benefits under the Food and Nutrition Act of 2008 ([7 U.S.C. 2011 et seq.](#));

(iv) payments under—

(I) section 1315, 1521, 1541, or 1542 of title 38, United States Code; or

(II) section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 ([38 U.S.C. 1521](#) note; Public Law 95–588); or

(v) assistance under the Low-Income Home Energy Assistance Act of 1981; or

(B) that has a household 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.

(4) **POVERTY LEVEL.**—The term “poverty level” means the poverty line determined pursuant to section 673 of the Community Services Block Grant Act ([42 U.S.C. 9902](#)).

(5) **PUBLIC WATER SYSTEM.**—The term “public water system” has the meaning given the term in section 1401 of the Safe Drinking Water Act ([42 U.S.C. 300f](#)).

(6) **QUALIFIED NONPROFIT ORGANIZATION.**—The term “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\(a\)\(3\)\(B\)](#)).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(8) **STATE.**—The term “State” 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.

(9) **TREATMENT WORKS.**—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act ([33 U.S.C. 1292](#)).

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Administrator, shall establish the Low-Income Household Water Assistance Program to award grants, in accordance with paragraph (3), to eligible entities described in paragraph (2) 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.

(2) ELIGIBLE ENTITIES.—An eligible entity described in this paragraph is a State, or Indian tribe, that is eligible to receive or previously received a grant under the Low-Income Home Energy Assistance Act of 1981 ([42 U.S.C. 8621 et seq.](#)).

(3) FORMULA.—In awarding grants under this subsection to eligible entities, the Secretary shall—

(A) allot amounts made available for grants under this subsection to an eligible entity that is a State or Indian tribe based on—

(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 poverty level; or

(ii) the percentage of households in the State, or under the jurisdiction of the Indian tribe, that spend more than 30 percent of monthly income on housing; and

(B) reserve up to 3 percent of amounts made available for grants under this subsection to eligible entities that are Indian tribes.

(c) RURAL, UNDERSERVED, AND INDIAN TRIBE ACCESS GRANTS.—The Secretary shall provide 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.—Each eligible entity seeking a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(e) LIMITATIONS.—A recipient of a grant under subsection (b) or (c)—

(1) shall not use the funds from the grant to supplant any other funds for any program that assists low-income households in maintaining access to affordable drinking water or wastewater services; and

(2) may use the funds from the grant to supplement or otherwise enhance any such program that satisfies the requirements under this section.

(f) TECHNICAL ASSISTANCE FOR ELIGIBILITY REQUIREMENTS.—The Secretary shall provide technical assistance to eligible entities receiving a grant under subsection (b) for such eligible entities to establish data sharing agreements to streamline categorical eligibility requirements for low-income households.

(g) TRANSFER TO THE ENVIRONMENTAL PROTECTION AGENCY.—

(1) IN GENERAL.—On the date on which the final report described in section 50109(d) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300j–19a note; [Public Law 117–58](#); 135 Stat. 1148) is submitted to Congress under such section, the Secretary, in coordination with the Administrator, shall transfer the Low-Income Household Water Assistance Program established under this section to the Environmental Protection Agency for administration of such program by the Administrator in accordance with this section.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Beginning on the date described in paragraph (1)—

(i) the Administrator shall carry out all functions of the Secretary under this section; and

(ii) for purposes of administering the program established under this section, each reference in subsections (b)(3), (c), (d), and (f) to the Secretary shall be deemed a reference to the Administrator.

(B) GRANTS PREVIOUSLY AWARDED.—Notwithstanding paragraph (1) and subparagraph (A), the Secretary shall continue, after the transfer under paragraph (1), administering each grant awarded under this section prior to such transfer until the expiration of the term of such grant.

(3) UNOBLIGATED BALANCES.—On the date described in paragraph (1) and subject to section 1531 of title 31, United States Code, the Secretary shall initiate transfer of all unobligated balances of appropriations, authorizations, allocations, or other funds available to the Low-Income Household Water Assistance Program established under this section (except for any such balances related to grants awarded prior to the transfer under paragraph (1)) to the Administrator. The amounts of any such unobligated balances so transferred shall be used only for the purposes for which the amounts were originally authorized and appropriated.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.
