

Water Access and Affordability Act
Co-led by Rep. Rashida Tlaib and Rep. Debbie Dingell

Section-by-Section Summary

- **Sec. 1: Short Title**
- **Sec. 2: Findings**
 - Water is a basic necessity. Safe, accessible, and affordable drinking water is essential to public health.
 - Millions of Americans cannot afford their water bills, and many water and wastewater utilities cannot afford to maintain their infrastructure. The federal government must increase water assistance to households and public water utilities.
 - Every low-income household should be able to access water assistance.
 - More effective protection of public health requires federal commitments to:
 - (1) the collection and transparency of data on water safety, access, and affordability;
 - (2) water access for all Native American Tribes; and
 - (3) ensuring public water utilities are capable of serving safe and affordable water to all households, including support for and oversight of State drinking water programs through financial and technical assistance, equitable utility consolidations, workforce development and training, community engagement, and enforcement.
 - Consumers served by public water utilities should be provided with easy-to-understand information about the cost of their water, opportunities to reduce their bill, and bill payment assistance programs.
- **Sec. 3: Low-Income Drinking Water Assistance Programs**
 - **(a)** Definitions.
 - **(b)(1)** Amends Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) by adding a new section at the end establishing the **Low-Income Drinking Water Assistance Program**.
 - Within 12 months of enactment, the EPA Administrator shall establish a federal low-income drinking water assistance program, which program shall include:
 - (1) development and implementation of drinking water access programs that including funding to assist low-income households;
 - A low-income household means a household in which one or more individuals are: (1) receiving assistance/benefits from TANF, SNAP, WIC, SSI, various veterans' benefits, LIHEAP; or (2) has an income that does not exceed the greater of: (a) an amount equal to 200% of the federal poverty level; and (b) an amount equal to 80% of the area median income.
 - (2) technical assistance for community water systems; and
 - (3) data collection and reporting.
 - **(b)(2)** The EPA Administrator, acting through each Regional Administrator, will establish a Community Advisory Committee (CAC) in each EPA region. The CAC will be comprised of low-income residents, non-governmental organizations, water utilities, and other relevant stakeholders specified by the Administrator. The CAC shall provide advice and recommendations to each Regional Administrator on how to effectively implement the drinking water access program in that region.
 - Each fiscal year, the entity developing and implementing a drinking water access program shall consult with the CAC and relevant stakeholders, and provide an

opportunity for a public hearing and public comment on the drinking water access program.

- **(c)(1)** The EPA Administrator, acting through each Regional Administrator, shall establish a drinking water access program in each EPA region, developed and implemented to provide low-income households the ability to maintain water access through the receipt of federal financial assistance.
 - **(c)(2)(A)** The development and implementation of a drinking water access program may be delegated to an eligible community water system (serves more than 100,000 people), a State, or an Indian Tribe.
 - The delegation is only effective as to the jurisdiction of the delegate entity. If the Administrator delegates to an eligible community water system or Indian Tribe, those jurisdictions shall not be delegated to the State in which such area is located.
 - **(c)(2)(B)** An eligible entity shall submit to the Administrator an application proposing a drinking water access program that meets the Administrator's announced requirements and demonstrating that the eligible entity has the capacity to make assistance available to all low-income households in its jurisdiction, fulfill the data collection and management requirements, and develop and implement an effective community outreach plan to inform eligible households of the program and assist with enrollment.
 - **(c)(2)(C)** A delegated entity shall receive a grant from the Administrator to develop and implement the program. This funding cannot replace existing state or local funding for water assistance, but may be used to supplement such funding.
 - **(c)(2)(D)** If the Administrator determines, based on required disclosures, that the delegate entity is not acting in compliance with the requirements of this law, the Administrator shall notify the entity of such noncompliance, the necessary remedial actions, and a deadline for implementing remedial actions. The Administrator shall revoke the delegation if the deadline is not met, and responsibility for implementing the drinking water access program shall revert to the Administrator.
- **(c)(3)(A)-(B)** Not later than 6 months after enactment, the Administrator shall establish minimum requirements for drinking water access programs, in consultation with relevant stakeholders and with an opportunity for public comment.
 - **(c)(3)(C) The minimum requirements** shall include:
 - **(i)** Provisions to promote universal access to drinking water assistance under the program for low-income households served by community water systems, including households in which none of the household members is a named account holder (e.g., renters), including:
 - **(I)** Data sharing with administrators of federal, state, and local income-qualified assistance programs to facilitate automatic enrollment in the drinking water access programs of all households participating in those other programs that are eligible to receive assistance under the drinking water access program, without need for those households to apply separately for the drinking water access program.

- **(II)** Allowance for community water systems to receive funds for low-income household debt reduction and directly apply them to customer accounts to reduce or eliminate existing debt.
 - **(III)** Allowance for self-attestation by households served by community water systems of eligibility, including income qualification or enrollment in an existing assistance program on the basis of income.
 - **(IV)** Allowance for electronic signatures to enroll in the assistance program.
 - **(V)** Prohibition on asset tests and in-person enrollment appointment requirements.
- **(ii)** Assistance to low-income households served by community water systems, including households in which none of the household members is a named account holder with the community water system that provides service. Greater assistance amounts shall be provided to households with higher drinking water costs and lower incomes, considering household size.
 - **Assistance shall be provided in the form of:**
 - **(I)** Direct financial assistance, including bill discounts, percentage-of-income payment plans, lifeline rates, or any other form of direct assistance identified by the Administrator.
 - **(II)** Debt relief.
 - **(III)** Water crisis assistance. A water crisis is a weather-related or supply shortage emergency, or other household water-related emergency, including disconnection of drinking water service for nonpayment, imminent disconnection of drinking water service for nonpayment, or other emergency threatening a household's access to safe drinking water service.
 - **(IV)** Water efficiency assistance, including providing or subsidizing the cost of installation of water-efficient appliances and fixtures or leak detection and plumbing repair work.
 - **(iii)** Additional eligibility restrictions and enrollment requirements are prohibited.
 - **(iv)** The Administrator shall establish provisions, including penalties on community water systems for violations, to ensure that no household receiving assistance under the program:
 - **(I)** Is disconnected from drinking water service, loses access to or ownership of its current housing, has its water flow rate restricted, or is otherwise denied sufficient water to meet household needs because of an inability to pay bills owed to a community water system, or due to the failure of the account-holder to pay bills.
 - **(II)** Is required to pay any fees, charges, or deposits associated with late payments, unpaid bills, service initiation, or service reconnection.

access a drinking water access program and to address other urgent water affordability needs in under-resourced communities.

- **(d)(4) Community Engagement**
 - The Administrator shall engage with environmental justice organizations and community-based organizations in establishing the minimum requirements under paragraph (2) and to encourage their participation in the provision of technical assistance.
- **(e) Data Collection and Reporting**
 - **(1)(A)** Each entity implementing a drinking water access program is required to submit annual data disclosures as determined by the Administrator, including:
 - **(i)** demonstrable impacts of the program on bill debt and timely bill payments, disconnections and reconnections, revenue collection information, and more.
 - **(ii)** revenue collection information from each community water system and treatment works within the geographic area served by the program, including rate design for residential customers, billing frequency, fees and taxes, and projected rate increases.
 - **(iii)** information regarding any other water service customer assistance program within the geographic area served by the program.
 - **(iv)** other relevant information required by the Administrator.
 - **(1)(B)** The Administrator may postpone reporting requirements taking into consideration the availability of technical assistance related to data reporting.
 - **(1)(C)** The Administrator shall annually make information on water service access programs available in an easily accessible format on the EPA website, including a list of all such programs and contact information for the entities implementing them and information required under reporting requirements. The Administrator shall annually publish a report compiling and summarizing the information submitted under this section.
 - **(2)** Community water systems implementing programs shall report to the State or EPA (as applicable) the amount of the grant it receives, and all data reported to the Administrator.
- **(f) Administrative Provisions**
 - **(1)(A)** Assistance provided to low-income households shall not be taxable or counted as income when determining eligibility for other federal, state, and local assistance programs.
 - **(1)(B)** Assistance provided to eligible community water systems subject to Federal or State income tax shall not be considered income if the water system has implemented a policy prohibiting water disconnections.
 - **(2)** Assistance provided to low-income households under a water service access program shall not be considered a Federal public benefit for purposes of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - **(3)** A community water system or treatment works that is not wholly owned by a governmental entity may not use any funds received to provide any financial benefits to the owners of the community water system or treatment works, including increased rates of return on capital investments, dividends, and interest.
- **(g) Reports**
 - Not later than five years after the first distribution of grants, and every five years thereafter, the Administrator shall submit a report to Congress on the results of the assistance program, which shall include an assessment of the remaining need and obstacles to achieving universal water service access and affordability and relevant findings and information from other programs and assessments.

- **(h) Surveys**
 - **(1)** The Administrator shall coordinate with the Director of the United States Census Bureau to add one or more questions into the American Community Survey to ascertain whether households have faced difficulty paying for water.
 - **(2)** The Administrator shall use ACS information to inform its reporting under subsection (g).
- **(i) Funding**
 - **(1)** \$20,000,000,000 is authorized to carry out this law for each of fiscal years 2027 through 2037.
 - **(2)(A)** The Administrator shall establish a formula to annually allocate funds to carry out this section to entities administering drinking water access programs and technical assistance providers, based on:
 - **(i)** The number of low-income people and households within the boundaries of each eligible entity;
 - **(ii)** Technical assistance needs;
 - **(iii)** Initial and ongoing administrative costs;
 - **(iv)** Localized drinking water costs;
 - **(v)** Exceptional community needs owing to water quality or scarcity; and
 - **(vi)** Any other criteria established by the Administrator.
 - **(2)(B)** In establishing the allocation formula, the Administrator shall ensure that equal amounts of funds are made available with respect to drinking water services and sanitary sewer services and determine appropriate allotments for the provision of technical assistance through each water service access program.
 - **(2)(C)** The Administrator may reserve up to 10% of funds each fiscal year to provide supplemental funds to assist low-income households in territories or Tribal jurisdictions and communities experiencing lack of access to safe public drinking water services.
- **Sec. 4: State Revolving Loan Funds**
 - **(a)(1)** (Intended Use Plans) Section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)) is amended by adding a section at the end establishing public review and comment procedures for State intended use plans.
 - Before adopting a final plan, States shall make a draft of the plan available, provide a minimum of 30 days of public comment, provide written responses to public comments, and hold at least one public hearing.
 - States shall make the final plan and written responses publicly available online.
 - States shall allow for submission of applications for financial and technical assistance at any time.
 - Not later than one year after enactment, the Administrator shall promulgate regulations to increase transparency and promote evaluation of the distribution by States of the amounts available to the State loan fund among the intended uses identified in an intended use plan, and the criteria and methods established by States for the distribution of funds.
 - The Administrator shall include in such regulations:
 - A requirement that States provide data to the Administrator about funded and unfunded projects that are eligible for assistance from the State loan fund.
 - The geographic and socio-economic distribution of such funded projects.
 - Mandating the creation of a central online repository for intended use plans and State funded projects;
 - Creating an advisory group within each State to provide advice and recommendations on intended use plans, state revolving fund policies, and implementation; and

- The Administrator shall publish an annual report regarding the data collected in this section.
- **(a)(2)** (Assistance for Disadvantaged Communities) Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)) is amended –
 - **(A)** by adding a requirement that each State shall, beginning in 2027 and every three years thereafter, conduct a review of the affordability criteria under this subsection and revise if appropriate.
 - **(B)** by adding at the end a requirement that not later than one year after enactment, the Administrator shall promulgate regulations to expedite provision of assistance to, and provide flexible repayment options for, disadvantaged communities receiving assistance under this section.
- **(a)(3)** (Administration of State Loan Funds) Section 1452(g)(2)(A)(i) of the Safe Drinking Water Act (42 U.S.C. 300j-12(g)(2)(A)(i)) is amended to specify that a State may not use more than 30% of its State Loan Fund allocation to cover administrative costs.
- **(b)** Federal Water Pollution Control Act
 - **(b)(1)** Water Pollution Control Revolving Loan Funds
 - **(A)** Section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)) is amended by adding at the end:
 - Each State shall, beginning in 2027 and every three years thereafter, conduct a review of the affordability criteria under this subsection and revise if appropriate.
 - Not later than one year after enactment, the Administrator shall promulgate regulations to expedite the provisions by a State of assistance to, and flexible repayment options for, municipalities that meet the affordability criteria established by the State.
 - **(B)** Section 603(k) of the Federal Water Pollution Control Act (33 U.S.C. 1383(k)) is amended by striking “may” and inserting “shall” to compel States to use an additional 2 percent of funds for nonprofit organizations or governmental entities to provide technical assistance to rural, small, and Tribally owned treatment works in the State.
 - **(b)(2)** Audits, Reports, and Fiscal Controls; Intended Use Plan
 - **(A)** Section 606 of the Federal Water Pollution Control Act (33 U.S.C. 1386) is amended to add:
 - A new public comment and review requirement as a condition precedent to preparing an annual intended use plan.
 - A State shall, before adopting a final plan, shall publish the draft plan online, provide a minimum of 30 days for public comment, provide written responses to public comments, and hold at least one public hearing.
 - A State shall make the final plan available online.
 - A State shall allow for submission of applications for financial and technical assistance at any time.
 - A new “Transparency and Evaluation” subsection:
 - Not later than one year after enactment, the Administrator shall promulgate regulations to increase transparency and promote evaluation of the distribution by States of the amounts available to the State water pollution control revolving fund among the intended uses identified in its plan and the criteria and methods established by States for the distribution of funds.

- The Administrator shall include in such regulations:
 - A requirement that States provide data to the Administrator about funded and unfunded projects that are eligible for assistance from the State water pollution control revolving loan fund and the geographic and socio-economic distribution of such funded projects.
 - The creation of a central online repository for intended use plans and State funded projects;
 - The creation an advisory group within each State to provide advice and recommendations on intended use plans, state water pollution revolving fund policies, and implementation.
- The Administrator shall make available online an annual report that includes information on and analysis of the use by each State of the amounts available to the State water pollution control revolving fund of the State, including the amount of assistance provided and the number of treatment works to which assistance was provided, data and metrics on disadvantaged communities service and technical assistance and outreach efforts, and ongoing challenges at the national and State levels.