



CITY OF PHILADELPHIA

TAX & REVENUE UNIT
Mass Revenue Litigation Division
Municipal Services Building
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Philadelphia, PA 19102-1595

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MEMORANDUM

TO: Kathleen McColgan, Revenue Commissioner

FROM: Adriana Gonzalez, Divisional Deputy City Solicitor

DATE: March 22, 2024

RE: **Water Revenue Bureau Updates to Income-Based Water Rate Assistance Program Regulations**

I have reviewed the attached amendments to the Income-Based Water Rate Assistance Program Regulations of the Department of Revenue and the Philadelphia Water Department and find the regulations to be in legal and in proper form.

In accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, you may forward these regulations to the Department of Records where they will be made available for public inspection.

A handwritten signature in cursive script, reading "Adriana K. Gonzalez".

Adriana K. Gonzalez
Divisional Deputy City Solicitor

Attachment

MEMORANDUM

TO: James Leonard, Records Commissioner

FROM: Kathleen McColgan, Revenue Commissioner

DATE: March 22, 2024

RE: **Water Revenue Bureau Updates to Income-Based Water Rate Assistance Program Regulations**

Please find attached for filing amendments to the Department of Revenue's Income-Based Water Rate Assistance Program Regulations. In accordance with Section 8-407 of the City Charter, we are filing these amendments with your Department in order to initiate the public inspection period. Also, please find attached a memorandum from the Law Department approving these amendments. These regulations are being issued jointly by the Department of Revenue and the Philadelphia Water Department.

Thank you for your assistance in this matter.



Kathleen McColgan
Revenue Commissioner

cc: Adriana K. Gonzalez, Divisional Deputy City Solicitor
Kevin Birriel, Divisional Deputy City Solicitor



City of Philadelphia

LAW DEPARTMENT
Water Division
1101 Market Street
5th Floor
Philadelphia, PA 19107
(215) 683-3234
Kevin.birriel@phila.gov

MEMORANDUM

TO: Randy E. Hayman, Water Commissioner

FROM: Kevin Birriel, Divisional Deputy City Solicitor

DATE: March 22, 2024

RE: Amendments to the Philadelphia Water Department Regulations:
Chapter 2 – Section 206.1 & 206.2

I have reviewed the attached amendments to Chapter 2 of the Philadelphia Water Department Regulations and find the regulations to be legal and in proper form.

In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may forward the regulations to the Department of Records where they will be available for public inspection.

Kevin Birriel

Kevin Birriel
Divisional Deputy City Solicitor

Attachment



Randy E. Hayman, Esq., Water Commissioner

MEMORANDUM

To: James Leonard, Records Commissioner

From: Randy E. Hayman, Water Commissioner

Date: March 22, 2024

Subject: Amendments to the Philadelphia Water Department Regulations:
Chapter 2 – Section 206.1 & 206.2

Please find attached for filing amendments to Chapter 2 of the Philadelphia Water Department Regulations. These regulations are being issued jointly by the Department of Revenue and the Philadelphia Water Department.

In accordance with Section 8-407 of the Philadelphia Home Rule Charter, I am filing these amendments with your Department in order to initiate the public inspection period. Please also find attached a memorandum from the Law Department approving these amendments.

Thank you for your assistance in this matter.

A handwritten signature in blue ink, appearing to read "Randy E. Hayman", written over a horizontal line.

Randy E. Hayman, Esq.
Water Commissioner

Attachment

206.0 INCOME-BASED WATER RATE ASSISTANCE PROGRAM

206.1 Definitions.

The following words and phrases when used in Sections 206.0 through 206.10 of these regulations have the meanings given to them in this Section unless specifically provided otherwise or unless the text clearly indicates otherwise:

(a) Civil Action: An in personam lawsuit filed to collect water and sewer rents. A Civil Action shall be deemed commenced when a Complaint is filed with the Court of appropriate jurisdiction.

(b) Customer: A natural person who (i) is receiving or (ii) is in the process of requesting or simultaneously requests to receive or restore service from the Water Department at such person's primary residence in Philadelphia. A person shall cease to qualify as a Customer under the second category if his or her application for service is ultimately denied.

(c) Federal Poverty Level or FPL: The Federal Poverty Level, as determined annually by the United States Census Bureau.

(d) Hold: A non-permanent suspension of Litigation.

(e) Income: All regular and periodic income from whatever source derived, including but not limited to salaries, wages, income from self-employment, alimony, support money, cash, public assistance and relief, the net amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State employment

insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, net income from rentals, workmen's compensation, interest and dividends, and any regular and periodic monetary contributions from a non-household member. Income shall not include overtime; back pay; severance pay; bonuses; tuition reimbursements; loan disbursements; federal or state income tax refunds; lump sum payments of benefits such as loss of time insurance benefits, death benefits, life insurance benefits and other insurance proceeds; Supplemental Nutrition Access Program ("SNAP") benefits or any other form of surplus food or other relief in kind supplied by a governmental agency; or property tax rebate.

(f) Litigation: A Sheriff's Sale or Civil Action as defined in this Section.

(g) Low-income: Income equal to or less than one hundred fifty percent (150%) of FPL.

(h) Monthly Household Income: The monthly Income received by the Customer and all adults residing in the Customer's household.

(i) Rate Board: The Philadelphia Water, Sewer and Stormwater Rate Board, established pursuant to Section 5-801 of the Home Rule Charter and Section 13-101 of the Philadelphia Code.

(j) Sheriff's Sale: An in rem lawsuit filed to collect water and sewer rents, pursuant to the Municipal Claim and Tax Lien Law, 53 P.S. §§ 7101, et seq. A Sheriff's Sale shall be deemed commenced when a Petition pursuant to 53 P.S. § 7283 is filed with the Court of appropriate jurisdiction.

(k) Special Hardship: A hardship condition that may include, but is not limited to, the following: (i) an increase in the Customer's number of dependents in the household; (ii) a seriously ill household member; or; (iii) circumstances that threaten the household's access to the necessities of life if payment of a delinquent bill is required.

(l) Tiered Assistance Program (TAP): The Income-Based Water Rate Assistance Program described in these regulations and Section 19-1605 of the Philadelphia Code.

(m) Pre-TAP arrears: For owners and occupants, the sum of all unpaid service, usage, and stormwater charges at the property, calculated at the time of first enrollment in TAP; or, for tenants, the sum of all unpaid service, usage, and stormwater charges at the property accruing during the period the tenant has been responsible to pay for water service pursuant to the terms of their lease, calculated at the time of first enrollment in TAP.

(n) TAP Payment Agreement: A payment agreement provided to a Customer enrolled in TAP in accordance with these regulations and Section 19-1605 of the Philadelphia Code.

(o) TAP Bill: A bill issued by the Water Revenue Bureau to a Customer enrolled in TAP for service, usage and stormwater charges and any payments toward pre-TAP arrears.

(p) Verified Administrative Data: Information possessed by the City such as personal income, household income, or residency information required to confirm a Customer's eligibility for TAP, the Senior Citizen Discount, or other forms of assistance.

~~(q)~~ WRB: The Water Revenue Bureau, within the City of Philadelphia Department of Revenue.

206.2 Eligibility and Enrollment

(a) A Low-income Customer or a Customer with a Special Hardship may apply to the WRB for enrollment in TAP beginning July 1, 2017. A Customer may submit the required financial and other information through a web-based application, by mail or by hand delivery to WRB's office. A Customer also may provide the required information to a customer service representative.

(1) A Customer who demonstrates Monthly Household Income at or below 150% of the Federal Poverty Level shall be deemed to have satisfied the financial or Special Hardship eligibility requirement.

(2) Applicants for enrollment in TAP due to a Special Hardship condition must demonstrate a Special Hardship condition within the prior twelve (12) month(s). Such evidence of a Special Hardship condition will usually be in writing including, but not limited to, any of the following:

(A) For a job loss that extends beyond four (4) months: termination notice, resignation letter, layoff notice, Pennsylvania Unemployment Compensation Claim Confirmation Letter (Form UC-360) or comparable out of state form, newspaper article.

(B) For a serious illness that extends beyond nine (9) months: a written certification as set out in 100.10 of the Water Department's regulations, a decision letter from Social Security Administration for Social Security Disability Insurance (SSDI) or Supplemental Security Income

(SSI), medical bills.

(C) For the death of the primary wage earner: death certificate, obituary.

(D) For domestic violence: a Protection From Abuse (PFA) order issued to the Customer and currently in effect, or a written notice from the Pennsylvania Department of Human Services (DHS) granting the Customer a good cause waiver to a Temporary Assistance for Needy Family (TANF) or General Assistance (GA) program based on a domestic violence determination and currently in effect.

(E) For additional dependent children in the household: birth certificate, baptismal certificate, hospital records, written certification of the child's doctor, proof of guardianship.

(F) For additional elderly, disabled, returning veteran, and other dependents: Federal Income Tax Returns.

(G) For circumstances that threaten the household's access to the necessities of life if payment of a delinquent bill is required, a Customer may request an individual financial assessment comparing household income and expenses in order to demonstrate a Special Hardship. The WRB will consider the following household expense: rent or mortgage, utility bills, telephone, food, medical bills, transportation, laundry, clothing, toiletries, taxes, insurance and other reasonable expenses.

(H) Other forms of evidence will be referred to a WRB Supervisor.

(b) WRB may enroll or recertify a Low-Income Customer into TAP using Verified Administrative Data.

~~(c)~~ Prior to enrolling a Customer in TAP, and upon each recertification of eligibility, WRB or its designee shall determine whether, on the basis of such Customer's historical usage as shown on his or her prior monthly bills and any pre-TAP arrears, the Customer would receive more affordable bills under another available payment agreement or rate discount, such as the senior citizen discount. Historical usage shall not include significant usage attributable to leaks or activities not customary to a residential setting. If, based on such a determination, the monthly TAP Bill would be higher than the payment the Customer would need to make under another available payment agreement or rate discount, then the Customer will not be eligible for enrollment or re-enrollment in TAP. A Customer enrolled in TAP will not be eligible for an additional discount as an income-eligible senior citizen.

~~(d)~~ A Customer may have a community based organization, attorney, family member, representative, interpreter or other person present to assist the Customer during in person meetings with WRB regarding TAP enrollment, TAP Payment Agreements, or other WRB determinations related to TAP.

~~(e)~~ A Customer who would not receive a more affordable bill under another available payment agreement and rate discount shall be enrolled in TAP upon approval of a completed application on or with which the applicant shall be required to provide proof that he or she: (i) is a resident at the property in question; and (ii) qualifies for TAP as a Low-Income Customer or a Customer with a Special Hardship.

~~(f)~~ Income or Inability to Pay.

(1) To establish income for the Customer and all members of his or her household, a Customer may produce Federal Income Tax Returns ~~and/or pay stubs~~, W-2 forms ~~from the most recent federal tax filing period, and/or pay stubs~~, ~~or~~ benefit award letters dated within the prior twelve (12) months.

(2) Social security numbers or other identification shall not be required for minors, for person over the age of sixty-five (65) or for disabled persons. A Customer who has supplied social security numbers or other tax identification number for all other household residents shall have satisfied this requirement. Where a household member is unable to provide an otherwise required tax identification number, the WRB may accept a signed affidavit for good cause shown. To establish disability under this Section, a Customer must produce a copy of an award letter issued by the armed services, Social Security Administration, SSI, Railroad Retirement or Black Lung or comparable official documentation of disability benefits.

(3) Where the WRB possesses inconsistent information or for other good cause shown, the WRB may request additional documentation to substantiate Customer's actual income.

(4) WRB will accept determinations of income made within the prior twelve (12) months pursuant to Section 19-1305 of the Philadelphia Code.

(5) Customers who report household income as zero dollars (\$0) at the time of enrollment or re-enrollment may be required to complete a "Zero Income Form" which will require that the Customer provide the address where service is provided, an explanation of how household expenses are met, and such other information as WRB in

its discretion may require.

(g) Residency.

To establish residency under this Section, the Customer must submit one document ~~s~~ from any ~~two (2) separate categories~~ in paragraphs (1) through (10) below or provide a determination of the Customer's residency made within the prior twelve months pursuant to Section 19-1305 of the Philadelphia Code. Documentation must include the Customer's name and the property address. Acceptable documents include:

(1) Government-issued ID that has not expired: Photo ID issued by the U.S. Federal Government or the Commonwealth of Pennsylvania (including the Department of State Voter ID Card); Pennsylvania PA Driver's License or Non-Driver's License Photo ID; ~~or U.S. Passport~~; U.S. Military ID; or ~~Employee~~ Photo ID issued by U.S. Federal Government, Commonwealth of Pennsylvania, Pennsylvania County or Municipal government.

(2) Utility Bills: the WRB shall accept Philadelphia Gas Works (PGW), Water Revenue, PECO, cable, internet, or landline telephone or cell phone bills as proof of residency. ~~if the Customer presents at least two bills from at least two different months from within the last 6 months. The two bills may be for the same utility service or for two different utility services.~~

(3) Voter Registration Card.

(4) Employment/Income Tax records: At least two pay stubs from current

employer from the last 6 months; most recent year's W-2 form; or most recent year's state or federal income tax records.

(5) Government-issued benefit or award letter (federal, state, or local) from the ~~prior~~last 12 months: Social Security, SSI, DHS, or SNAP (food stamp) benefit award letter or COMPASS printout; Unemployment compensation award letter; LIHEAP or LIHWAP award letter; ~~or Homestead Exemption award letter or OPA print-out showing Homestead Exemption has been approved.~~

~~(6) At least two mortgage statements from the last six (6) months.~~

~~(67) At least two S~~student loan billing ~~s~~Statements. ~~from the last six (6) months.~~

~~(78) At least two B~~bank statements ~~from the last six (6) months.~~

~~(89) A written lease and/or rent receipts for the dwelling, that cover the last six (6) months.~~

~~(940)~~ Other forms of evidence will be referred to a WRB Supervisor.

206.0 INCOME-BASED WATER RATE ASSISTANCE PROGRAM

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insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, net income from rentals, workmen's compensation, interest and dividends, and any regular and periodic monetary contributions from a non-household member. Income shall not include overtime; back pay; severance pay; bonuses; tuition reimbursements; loan disbursements; federal or state income tax refunds; lump sum payments of benefits such as loss of time insurance benefits, death benefits, life insurance benefits and other insurance proceeds; Supplemental Nutrition Access Program ("SNAP") benefits or any other form of surplus food or other relief in kind supplied by a governmental agency; or property tax rebate.

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(G) For circumstances that threaten the household's access to the necessities of life if payment of a delinquent bill is required, a Customer may request an individual financial assessment comparing household income and expenses in order to demonstrate a Special Hardship. The WRB will consider the following household expense: rent or mortgage, utility bills, telephone, food, medical bills, transportation, laundry, clothing, toiletries, taxes, insurance and other reasonable expenses.

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(3) Where the WRB possesses inconsistent information or for other good cause shown, the WRB may request additional documentation to substantiate Customer's actual income.

(4) WRB will accept determinations of income made within the prior twelve (12) months pursuant to Section 19-1305 of the Philadelphia Code.

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To establish residency under this Section, the Customer must submit one document from any categories in paragraphs (1) through (10) below or provide a determination of the Customer's residency made within the prior twelve months pursuant to Section 19-1305 of the Philadelphia Code. Documentation must include the Customer's name and the property address. Acceptable documents include:

(1) Government-issued ID that has not expired: Photo ID issued by the U.S. Federal Government or the Commonwealth of Pennsylvania (including the Department of State Voter ID Card); Pennsylvania Driver's License or Non-Driver's License Photo ID; U.S. Military ID or Photo ID issued by U.S. Federal Government, Commonwealth of Pennsylvania, Pennsylvania County or Municipal government.

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(3) Voter Registration Card.

(4) Employment/Income Tax records: At least two pay stubs from current employer from the last 6 months; most recent year's W-2 form; or most recent year's state or federal income tax records.

(5) Government-issued benefit or award letter (federal, state, or local) from the prior 12 months: Social Security, SSI, DHS, or SNAP (food stamp) benefit award letter or COMPASS printout; Unemployment

compensation award letter; LIHEAP or LIHWAP award letter.

(6) Student loan billing statements.

(7) Bank statements.

(8) A written lease and/or rent receipts for the dwelling.

(9) Other forms of evidence will be referred to a WRB Supervisor.
