

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

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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) 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.

(n) 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.

(o) 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.

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(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) 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.

(c) 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.

(d) 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.

(e) 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, pay stubs, W-2 forms, and benefit award letters.

(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

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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 identify all household members, 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.

(f) Residency.

To establish residency under this Section, the Customer must submit documents 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); PA Driver's License or Non-Driver's License Photo ID; 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, or landline telephone 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 last 12 months: Social Security, DHS, or SNAP (food stamp) benefit award letter or COMPASS printout; Unemployment compensation award letter; LIHEAP 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.

(7) At least two student loan billing statements from the last six (6) months.

(8) At least two bank statements from the last six (6) months.

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

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

(g) Customer Responsibilities

(1) The TAP application and recertification forms shall inform the Customer of his or her responsibilities for continued enrollment in TAP, require the Customer to agree to abide by the Customer responsibilities, and inform the Customer of the consequences of failing to abide by the Customer responsibilities.

(2) Customers whose service is off due to an uncorrected notice of violation or defect, or a determination that providing service would endanger life, health, safety or property must correct the violation and/or make any necessary repairs before service will be restored.

(h) TAP Enrollment Confirmation.

Upon a Customer's acceptance into a TAP agreement, the WRB shall provide a written statement setting forth the terms and conditions of the Customer's participation in TAP. The statement shall include the following information, as appropriate:

- (1) the monthly TAP Bill amount;
- (2) the amount of arrears owed prior to enrollment in TAP;
- (3) the requirement that the Customer pay TAP Bills issued upon receipt;
- (4) a brief explanation of the consequences of nonpayment of TAP Bills;

(5) a brief explanation of the Customer's right to cure any noncompliance with the TAP agreement; and

(6) a brief explanation of the customer responsibility and recertification requirements for continued enrollment in TAP.

(i) No person shall intentionally make any false statement when applying to enter into a TAP agreement. If it is determined that a Customer entered into a TAP agreement on the basis of an intentionally false statement, the agreement shall be null and void.

206.3 Decisions in Writing

(a) Written Decisions.

Any decision or determination of the WRB relating to (i) initial or continued eligibility for TAP, (ii) a TAP Payment Agreement, (iii) the amount of TAP or other arrears for which the Customer is responsible, (iv) the completeness of a Customer's application and the adequacy or completeness of any documentation submitted in connection with an application for a TAP Payment Agreement, or (v) the Customer's performance of his or her obligations under a TAP Payment Agreement, shall be provided to the Customer in writing, and shall include a specific reason for the decision or determination, and a statement of the Customer's right to an administrative hearing to dispute such decision.

(b) Administrative Appeals.

A Customer may request the Tax Review Board to review any adverse final decision or determination of the WRB relating to initial or continued eligibility for a TAP agreement, the Customer's performance of his or her obligations under a TAP agreement, or the

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amount of TAP or other arrears for which the Customer is responsible.

(c) Language Access/Non-English Speakers.

Consistent with applicable law and policy, the WRB shall take reasonable steps to ensure meaningful access to written decisions issued pursuant to subsection (a) of this Section for Limited English Proficient (LEP) persons. Such steps shall include providing translations of all such written decisions and advising LEP persons that telephone interpreter services are available.

206.4 TAP Bills

(a) Customers who are enrolled in TAP will receive a monthly TAP Bill for the Customer's current service, usage and stormwater charges. TAP Bills for Low-income Customers enrolled in TAP shall be calculated in accordance with the schedule of rates and charges issued by the Rate Board for Low-income Customers enrolled in TAP.

(b) TAP Bills for Special Hardship Customers whose Monthly Household Income is greater than 150% of FPL will be calculated at 4% of the Customer's Monthly Household Income.

(c) Timely payment of his or her monthly TAP Bill shall satisfy all of a Customer's current liabilities for service, usage and stormwater charges, so that there is no addition to his or her arrears for service, usage or stormwater charges. Timely payment shall be payment postmarked or received within one month of the payment's due date.

(d) Any amount paid for a monthly TAP bill in excess of the customer's current service,

usage and stormwater charges as shown on the TAP bill shall reduce the balance of his or her arrears.

206.5 TAP Payment Agreements

(a) Customers enrolled in TAP with pre-TAP arrears will receive TAP Payment Agreements.

(b) TAP Payment Agreements for Low-income Customers who are enrolled in TAP shall not require the Customer to make additional payments in respect to pre-TAP arrears for service, usage and stormwater charges to maintain service.

(c) TAP Customers with Monthly Household Incomes greater than 150% FPL and who are enrolled in TAP due to a Special Hardship condition will receive TAP Payment Agreements with payments for current charges and pre-TAP arrears calculated in accordance with Section 206.4(b) of these regulations.

206.6 Removal from TAP

(a) A Customer enrolled in TAP may request to be removed from TAP at any time.

(b) A Customer will be removed from TAP if the Customer is no longer eligible for TAP due to a change in household income or household size.

(c) In addition to removal from TAP pursuant to Section 206.6(a) and (b) of these regulations, a TAP Customer may be removed from TAP for submitting intentionally false enrollment or recertification information/documentation, unauthorized use of service (providing water for use at a location other than the Customer's primary residence), failure to recertify upon request by WRB, or failure to

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accept and reasonably maintain free conservation services offered by the Water Department.

(d) Customers removed from TAP for submitting intentionally false enrollment or re-certification information/documentation or unauthorized use of service shall be back-billed for previously unbilled usage and/or for the amount by which the Customer's monthly service, usage and stormwater charges if billed at rates applicable to general Customers would have exceeded the amounts actually billed on the Customer's monthly TAP Bill during the period of enrollment in TAP.

(e) When a TAP Customer is removed from TAP, the balance on all past unpaid TAP Bills and whatever debt remains on pre-TAP arrears becomes immediately due.

(f) WRB will not re-enroll a Customer in TAP for a one-year period (unless specifically identified elsewhere below), if the TAP Customer:

(1) submits intentionally false enrollment or re-certification information or documentation;

(2) provides water for use at a location other than the Customer's primary residence; or

(3) refuses to take necessary actions to accept and reasonably maintain any free conservation measures offered to the Customer by the Water Department (stay-out until services are accepted).

206.7 Earned Forgiveness

If a Customer maintains continued enrollment, the Customer will obtain forgiveness of outstanding arrears under the

following conditions:

(a) Penalty charges on pre-TAP arrears shall be waived and forgiven for a Customer with a TAP Payment Agreement if the Customer makes timely monthly payments under a TAP Payment Agreement for twenty-four (24) consecutive months.

(b) After each year of continued enrollment in TAP, any arrears older than fifteen years will be removed in accordance with Philadelphia Code Section 19-1605(1).

(c) After fifteen years of continued enrollment in TAP, all arrears will be removed in accordance with Philadelphia Code § 19-1605(1).

206.8 Stay of Enforcement

(a) If a Customer maintains continued enrollment in TAP, a Hold shall be placed on the Customer's account.

(b) This Section shall not apply to charges owed for HELP loans or any charges other than water or sewer rents (including stormwater charges) owed to the Water Department/Water Revenue Bureau.

206.9 TAP Recertification

(a) Upon written request of WRB and no more frequently than once every year, a Customer must re-certify to WRB his or her income, eligibility and/or Special Hardship condition.

(b) In the event of a change in household income or household size, prospective TAP Bills will be calculated according to these regulations and the Water Department's rates for customers enrolled in TAP. Such recalculation shall be done promptly at the request of the Customer. A Customer also

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may request a determination or redetermination of Special Hardship at any time he or she experiences a change in circumstances. In the event of a change in household income that results in a determination that the Customer is no longer eligible to participate in TAP, such Customer shall receive the benefit of any forgiveness earned during the period of the TAP Payment Agreement.

(c) Prior to recertifying a Customer as eligible for TAP, WRB shall determine whether the Customer would receive more affordable bills under another available payment agreement or rate discount in accordance with the procedures set forth in Section 206.2(b) of these regulations.

206.10 Conservation Measures.

Each Customer enrolled in TAP shall agree to accept and reasonably maintain any free conservation measures offered to the Customer by the Water Department.

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