

**CHAPTER 2
ASSISTANCE PROGRAMS**

**200.0 HOMEOWNER EMERGENCY
LOAN PROGRAM**

200.1 Purpose

The Homeowner's Emergency Loan Program (HELP) loan is an interest free, installment payment loan for water service line, water supply line, curb trap, main drain and/or sewer lateral repair or replacement, administered by the City of Philadelphia Water Department (the "Department" or "PWD"). An approved applicant enters into an agreement ("Agreement") with the Department, committing to repay the total costs of the work to the City of Philadelphia.

200.2 Eligibility

Eligibility is subject to the availability of funds allocated for this program and such other criteria that the Department in its discretion determines appropriate for the replacement of Lead Service Lines based on the risk of exposure to lead in drinking water and plumbing conditions. To be eligible for the program, all of the following conditions must be met:

- (a) Applicant is the property owner(s) of record; and
- (b) The property does not contain more than four (4) units; and
- (c) The property is a Residential Property, or if mixed commercial/residential, the property is primarily residential; and
- (d) The property either:
 - 1. is in need of an emergency water service line, water supply line, curb trap, main drain and/or sewer lateral

repair or replacement as evidenced by a Notice of Defect and/or Notice of Violation issued by the City; provided that if, in the process of correcting a drainage system defect another drainage system defect is discovered and verified by the Department, or, if in the process of correcting a water system defect, another water system defect is discovered and verified by the Department, then an additional Notice of Defect will not be necessary to increase the loan to cover those additional repairs;

and/or

- 2. receives water service through an operable Lead Service line, as defined in Section 205.1 of these regulations, and the property owner elects to replace the Lead Service Line; and

(e) Applicant is not delinquent by more than two (2) billing cycles on his/her water/sewer/stormwater bill or a prior HELP Loan for the subject property, or for any other property owned by applicant in the City of Philadelphia, except as may be covered by a current payment agreement with the Water Revenue Bureau or its agent(s) or if the property owner is enrolled in good standing in the Income-Based Rate Assistance Program (otherwise known as the Tiered Assistance Program or TAP) described in PWD Regulation 206.0 or the Senior Citizen discount program described in Section 5.2(b) of PWD Rates and Charges; and

(f) The property is served by an operable water meter (including appurtenant parts); and

(g) Applicant shall consent to the placement of a lien on the property for the amount of the total cost of the work and associated lien.

200.3 Loan Amounts and Payment Responsibilities

(a) Applicant shall enter into the current standard HELP Agreement.

(b) The loan amount shall be determined by the Department, based upon the total costs of the work and lien fee.

(c) The property owner shall repay the loan amount to the Department in sixty (60) equal monthly installments except as described in 200.6.

200.4 Delinquencies

(a) If the property owner fails to make two (2) consecutive timely payments, property owner shall be in default of the Agreement, and the outstanding balance shall become immediately due and owing without further notice. Upon default, penalties at the rate charged for water/sewer/stormwater arrearages, plus a penalty fee of five percent of the total loan amount will be added to the outstanding balance and as part of the lien. Should the property owner subsequently satisfy the missed payments, penalties shall continue to accrue for the remaining term of the loan.

(b) Delinquencies are not subject to Section 100.9 of these regulations.

200.5 Application Process

An eligible property owner must take the following actions in order to be eligible for a HELP loan:

(a) Complete and return the HELP loan Application that includes, at a minimum, the Applicant's current phone number and address.

(b) Allow timely access to the City and/or its contractors for the purposes of inspecting the property and making the corrective repairs.

200.6 Tiered HELP Program

(a) If a property owner is enrolled in the Income-Based Water Rate Assistance Program described in PWD Regulation 206.0 or the Senior Citizen discount program described in Section 5.2(b) of PWD Rates and Charges, and otherwise qualifies for a HELP Loan, he or she may, when entering into the HELP Loan Agreement, choose to repay the HELP Loan in 60, 120, or 180 months in equal monthly installments.

(b) The election to enter a 60, 120, or 180-month repayment schedule described in 200.6(a) is irrevocable and shall be binding on the property owner. However, the property owner shall not be penalized for pre-payment of the loan.

201.0 BASEMENT BACKFLOW PREVENTION PROGRAM

201.1 Definitions

(a) Basement Backflow Prevention Device: any valve, mechanism or apparatus installed on any fixture, toilet or drain that prevents water from the City's sewers from backing up into a property's basement during rain events.

(b) Basement Backflow Prevention Program: the program managed by the City pursuant to these regulations.

(c) City: the City of Philadelphia acting through its Water Department or other City departments.

(d) City Sewers and City Sewer System: only those pipes and infrastructure owned and maintained by the City and shall not include sewer laterals that are owned and maintained by property owners.

(e) Program Application: the form created by the Department which must be completed by a property owner in order for the City to verify the property owner's eligibility for the Basement Backflow Prevention Program.

201.2 General Policy

During certain very heavy rain events the City's sewer system can become surcharged. This excess water in the City's sewer system can then backup into basements through fixtures, toilets, or floor drains connected to the City's sewer system. The purpose of the Basement Backflow Prevention Program is to prevent water from surcharged City sewers from backing up into people's basements through fixtures connected to the City's sewers by installing basement backflow prevention devices on these fixtures. The City shall pay all costs directly related to the purchase and installation of the basement backflow prevention devices that are installed pursuant to the Basement Backflow Prevention Program.

201.3 Eligibility

(a) Any property that, during rain events, experiences water from the City's sewers backing up into its basement through basement fixtures, toilets or floor drains that are connected to the City's sewer is eligible to participate in the Basement Backflow Prevention Program as set forth in these regulations. The property owner must submit

a Program Application and must comply with all requirements of the Application Process set forth in Section 201.4 of these Regulations. If eligible, the property owner may receive basement backflow prevention device(s) in accordance with the prioritization set forth in Section 201.3(b) of these Regulations.

(b) In order to efficiently use its resources the City may prioritize eligible properties for the installation of basement backflow prevention devices based on the City's review of the individual circumstances of each property. In prioritizing when the homeowner may receive the backflow prevention devices the City may consider the following factors:

(1) the schedule for the completion of the long term flooding solutions in the homeowner's area;

(2) the frequency of basement backups in the property;

(3) the severity of basement backups in the property;

(4) availability of sufficient funds and resources to implement the Basement Backflow Prevention Program; and

(5) any other factors the City deems reasonable and appropriate for the prioritization of installation of the basement backflow prevention device(s).

(c) If for some reason a basement backflow prevention device can not be installed or is ineffective the City may consider protecting the basement from backflow through other means or devices.

201.4 Application Process

An eligible property owner must take the following actions in order to participate in the Basement Backflow Prevention Program:

- (a) Complete and return the Program Application.
- (b) Allow timely access to the City and/or its contractors for the purposes of inspecting the property and installing the basement backflow prevention devices.
- (c) Remove any object or obstructions in the basement which restricts access to the fixture or prevents installation of the basement backflow prevention devices.
- (d) Sign the Basement Backflow Prevention Agreement.
- (e) Be current on the property's water/sewer/stormwater bill such that there is no arrearage over one hundred dollars (\$100), except as may be covered by a current payment agreement with the Water Revenue Bureau or its agents.

201.5 Basement Backflow Prevention Devices

- (a) The Basement Backflow Prevention Program provides fixture level protection in order to prevent backups into basements. Therefore, an eligible property whose owner completes the Application Process shall receive a basement backflow prevention device.
- (b) Selection of the basement backflow prevention devices shall be at the City's discretion.

(c) The use of fixtures in which a basement backflow prevention device has been installed may be restricted during rain events. The Basement Backflow Prevention Agreement shall specify what restrictions, if any, may apply to the operation of the fixture.

(d) The City shall bear all costs directly related to the purchase and installation of the basement backflow prevention devices that are installed pursuant to the Basement Backflow Prevention Program.

201.6 Ownership & Maintenance of the Basement Backflow Prevention Devices

Once installed, the property owner shall own and maintain the basement backflow prevention device. The property owner is solely responsible for the testing, maintenance, upkeep and replacement of the basement backflow prevention device. This provision shall be specifically included in the Basement Backflow Prevention Agreement.

201.7 Release of Liability

The City shall not be responsible for any damages or associated costs resulting from inoperable or malfunctioning basement backflow prevention devices and/or damages arising from the installation of the basement backflow prevention devices. This provision shall be specifically included in the Basement Backflow Prevention Agreement.

201.8 Basement Backflow Prevention Agreement

The City shall create a Basement Backflow Prevention Agreement that each property owner must sign in order to participate in the Basement Backflow Prevention Program. The Agreement shall include, but not be limited to, the following provisions:

- (a) an explanation of what the basement backflow prevention device is and how it works;
- (b) an explanation regarding limitations on its use, if any, during rain events;
- (c) maintenance requirements and an acknowledgment by the property owner that the property owner, once the basement backflow prevention device is installed, owns the device and is solely responsible for its maintenance, testing and upkeep; and
- (d) a liability release from the damages related to any failure of the basement backflow prevention devices and/or the installation of the basement backflow prevention devices.

202.0 URBAN GARDEN AND URBAN FARM LOAN PROGRAM

202.1 Purpose

The Urban Garden and Urban Farm Loan Program is an interest free, installment payment loan administered by the City of Philadelphia Water Department (the “Department”) for the installation of water service lines to urban gardens and urban farms. Approved applicants will enter into an Urban Garden and Urban Farm Loan Agreement (“Agreement”) with the Department committing to repay the total costs of the work to the City of Philadelphia. Use of the loan proceeds is restricted to the costs to install a water service line, backflow preventer, meter and meter box with an underground or above ground enclosure that meets the Department’s specifications. All work shall be performed by a Department registered and approved licensed plumber and shall comply with all Department specifications.

202.2 Eligibility

Eligibility is subject to the availability of funds allocated for this program. To be eligible for the program, all of the following conditions must be met:

- (a) the applicant must be an urban community garden association or urban farm that either owns the lot or who is permitted by the owner to use the lot for an urban garden or farm; and
- (b) the property owner shall consent to the placement of a lien on the property for the amount of the loan. If the property owner does not consent to the lien, the Department, at its sole discretion, may accept a lien on other real property as security for repayment of the loan; and
- (c) the Department must determine that the lien will adequately ensure repayment of the loan.

202.3 Loan Amounts and Payment Responsibilities

- (a) Applicant shall enter into an Urban Garden and Urban Farm Loan Agreement.
- (b) The loan amount shall be determined by the Department, based upon the total costs of the work. The maximum amount of the loan shall not exceed Ten Thousand Dollars (\$10,000).
- (c) The property owner or applicant shall repay the loan amount to the Department in sixty (60) equal monthly payments.

202.4 Delinquencies

Failure by the property owner or applicant to make two (2) consecutive payments shall

constitute Default on the Agreement. The consequences of Default on the Agreement shall be as follows:

- (a) The outstanding balance shall become immediately due and owing without further notice; and
- (b) Interest at the rate charged for water/sewer/stormwater arrearages shall begin to accrue, a penalty fee of five percent of the total loan amount, and the cost of filing the lien will be added to the outstanding balance and as part of the lien. Should the property owner or applicant subsequently satisfy the missed payments, the interest rate shall return to zero; and
- (c) The Department may immediately cease providing water service to the community garden; and
- (d) The urban garden shall not be eligible for a hydrant permit and therefore may not obtain water directly from a hydrant.
- (e) Delinquencies are not subject to Section 100.9 of these Regulations.

203.0 COMMUNITY GARDEN STORMWATER CHARGE DISCOUNT

203.1 Purpose

Philadelphia City Council has determined that Community Gardens should be afforded a discounted stormwater management service charge if they meet certain criteria. Under City Code Section 19-1603, the Philadelphia Water Department is charged with promulgating regulations that define such a program, and subsequently administering it.

203.2 Community Garden Criteria

For purposes of this Regulation, “Community Garden” shall mean any parcel of land in the City of Philadelphia used for growing crops, whether food or non-food, that meets all of the following criteria:

(a) The parcel’s principal use is devoted to regularly-planted crop bed and such other related uses as are reasonable and necessary to growing such crops and maintaining the garden (for example, but not by way of limitation, common areas for hand tool storage sheds or compost bins).

(b) At least 80% of the gross area of the parcel is effectively pervious.

(1) The Water Department may determine a parcel’s effective perviousness by considering the following:

(A) Actual pervious areas that do not meet the definition of Impervious Area (IA) as stated in Philadelphia Water Department Rates and Charges section 4.3(a)(2).

(B) Impervious area that meets the SWMS Credits criteria as defined in Philadelphia Water Department Rates and Charges section 4.5. Any impervious area that meets the credits requirements as provided in Philadelphia Water Department Rates and Charges section 4.5 will be considered effectively pervious under 203.2(b).

(c) The crops are harvested for personal consumption, donation, or sale.

(d) A community, non-profit, or other organization associated for purposes of operating the Community Garden operates the Community garden for public benefit.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it meets the organizational requirement in 203.2(d):

(A) Articles of incorporation.

(B) A list of active gardeners identifying at least one leader.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(d).

(e) The organization/applicant must possess written evidence of the right to use the parcel as a Community Garden.

(1) The organization/applicant must provide PWD at least one of the following documents to show that it has the right to possess the parcel and use it as a Community Garden:

(A) A deed in the name of the organization/applicant.

(B) A lease, license or other similar agreement.

(C) A letter from an affiliated civic association or community development corporation, the Pennsylvania Horticultural Society, or the Neighborhood Gardens Trust (or equivalent) affirming that the Community Garden meets the criteria in 203.2(e).

(D) Other written authorization as may be reasonably satisfactory to the Water Department.

(f) Gardening activities are conducted primarily by members of the organization or group of individuals described in 203.2(d).

(g) The parcel is appropriately maintained so as not to cause blight or nuisance.

203.3 Discount

Subject to approval of a complete application by the Water Department as set forth in 203.4, a parcel meeting the criteria in 203.2 shall be afforded a discounted rate on charges relating to stormwater management and disposal as limited by City Code section 19-1603.

203.4 Application Process

(a) An application for the discount shall be made on a form provided by the Water Department. A complete application includes all of the following:

(1) Documentation evidencing 203.2(d) and (e).

(2) At least one photograph of the parcel, not more than 30 days old, capturing the site characteristics relevant to this Regulation.

(3) An attestation by the applicant to 203.2(a), (c), (f), and (g).

(4) A map of the parcel with labels (soil, grass, pavement, roof, etc.).

(b) An application shall be signed by or on behalf of the group of individuals operating the Community Garden/applicant.

(c) The Water Department may inspect any parcel seeking a discount under this Regulation at any time in order to ascertain

whether it meets the criteria set forth in City Code section 19-1603 and this Regulation.

203.5 Renewal

A discount provided under 203.3 shall expire after 4 years, and may be renewed upon submittal of a complete Renewal Application.

203.6 Eligibility; Revocation

Compliance with City Code section 19-1603 and this Regulation shall be a continuing condition of eligibility for the discount. Applicant's failure to meet these requirements, or a parcel ceasing to be a Community Garden, shall result in a revocation of the discount.

203.7 Effective Date of Discount

(a) When a complete application is received before January 1, 2018 and approved, a discount provided under this Section shall be effective as of the date listed in Philadelphia Water Department Rates and Charges section 5.2(g)(3).

(b) When a complete application is received after December 31, 2017 and approved, a discount provided under this Section shall be effective the date the complete application is received.

203.8 Exclusions

The discount provided under 203.3 shall not include a discount from water and/or sanitary sewer charges.

204.0 ENHANCED CAP

(A) Enhanced CAP is an assistance program that sets limits on a Non-residential property's monthly SWMS charge increase

due to the phase-in of parcel area-based charges, subject to eligibility criteria. Enhanced CAP is an account-based program effective January 1, 2013 and it replaces the SWAPP described in section 203.0 of these Regulations.

(B) Eligibility. To be eligible for Enhanced CAP, an account must meet all of the following criteria:

(i) Account must be for a Non-residential property;

(ii) For a fiscal year with a scheduled rate increase, the current fiscal year monthly SWMS charge must be at least 10% more than the prior fiscal year's monthly SWMS charge;

(iii) For a fiscal year with a scheduled rate increase, the current fiscal year monthly SWMS charge must be at least \$100 more than the prior fiscal year's monthly SWMS charge;

(iv) Account shall not be delinquent in (a) any tax payments to the City or (b) the payment of water/sewer/stormwater charges; and

(v) Account shall not be for a property owned by the City, state, or federal governments, or owned by any quasi-City or City-related agency.

(C) Base Year. The Base Year refers to the fiscal year to which the Enhanced CAP eligibility criteria shall be applied and from which the Enhanced CAP monthly SWMS charge shall be calculated. The Base Year SWMS charge shall be set as follows:

(i) For customers enrolled in SWAPP as of December 31, 2012, the Base Year SWMS charge will be the SWAPP SWMS charge that existed on June 30, 2012.

(ii) For new enrollees in the Enhanced CAP program, the base year SWMS charge will be the SWMS charge that existed on the last day of the prior fiscal year.

(D) Enrollment Period. Eligible accounts may enroll in Enhanced CAP from January 1, 2013 through September 30, 2013.

(E) The Enhanced CAP program is subject to further review, extension, modification or termination in a subsequent Rate Determination.

(F) Assistance.

Eligible accounts shall receive payment assistance in the form of an adjustment towards the account's monthly stormwater bill. Starting January 1, 2013, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during the remainder of Fiscal Year 2013 shall be equal to the account's Fiscal Year 2012 monthly bill plus 10.00% (ten percent). For Fiscal Year 2014, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during that Fiscal Year shall be equal to its Fiscal Year 2013 monthly bill plus 10.00% (ten percent). For Fiscal Year 2015 and any subsequent fiscal year for the duration of the Enhanced CAP assistance program, the adjustment shall be set at such an amount so that the eligible account's monthly stormwater bill during the fiscal year shall be equal to the preceding fiscal year's monthly bill plus 10.00% (ten percent).

205.0 LEAD LINE PROGRAM

205.1 Definitions

As used in this Chapter of these regulations, "Lead Service Line" means a pipe or pipes

made of lead and connecting the City's water supply system to the premises of a customer, and a lead pigtail, gooseneck or other fitting which is connected to the lead pipe or pipes. As used in this Chapter, the Department will consider the Lead Service Line as extending from the City's water main to the meter.

205.2 Voluntary Monitoring Program

A customer with a Lead Service Line or piping with lead solder, whose property meets the Department's required plumbing criteria, and who is preregistered with the Department's lead monitoring program and has successfully completed all of the program requirements to the satisfaction of the Department, will receive a one-time credit of \$50 per successfully completed monitoring event on his/her water bill. Eligibility is subject to the availability of funds allocated by the Department for this program in the current fiscal year, beginning in Fiscal Year 2017. Credits will be awarded on a first come, first serve basis and based on such other criteria as may be established by the Department. Once the total amount of funding allocated for this program in a fiscal year has been utilized, no further credits will be available until the following fiscal year.

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) 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.

(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 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.

(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, SSI, 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.

(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 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 and who apply for a payment agreement to pay the unpaid balance on TAP bills will be offered 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.

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 re-certification 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 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 enrolled in TAP if the Customer makes monthly payments of the TAP Bill 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 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 enrollment in TAP .

(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.