921 KAR 4:122. Assistance for low-income households with water or wastewater utility arrears.

RELATES TO: KRS Chapter 13B, 194A.070, KRS 205.240, 278.0154(6), 42 U.S.C. 9902(2), Pub.L. 116-260, Pub.L. 117-2

STATUTORY AUTHORITY: KRS 194A.050(1)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to adopt administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and promulgate administrative regulations necessary to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 194A.070 authorizes the cabinet to utilize and promote community resources for the delivery of services. KRS 205.240 states that all money received from the United States for the public assistance functions administered by the cabinet are hereby appropriated and shall be available to the secretary for expenditure. This administrative regulation establishes the eligibility and assistance criteria for low-income households to receive assistance with paying water or wastewater utility arrears.

Section 1. Definitions.

(1) "Agency" means Community Action Kentucky (CAK), or a local community action agency contracted to provide the service.

(2) "Authorized representative" means the person who presents to an agency a written statement signed by the head of the household, or spouse of the head of the household, authorizing that person to apply on the household's behalf.

(3) "Crisis component" means the component that provides assistance to households that are experiencing a home water or wastewater emergency.

(4) "Economic unit" means one (1) or more persons sharing common living arrangements.

(5) "Emergency" means, at the time of application, the household:

(a) Is without water;

(b) Shall be disconnected from a water utility service within forty-eight (48) hours; or

(c) Shall be without water as established in Section 3(3) of this administrative regulation.

(6) "Gross household income" means all earned and unearned income, including lump sum payments received by a household during the calendar month preceding the month of application.

(7) "Household" means an individual or group of individuals who are living together in the principal residence as one (1) economic unit and who purchase water or wastewater in common.

(8) "Household demographics" means an applicant's:

(a) Address;

(b) Household composition that includes:

1. Size;

2. Age group;

3. Relationship to applicant;

4. Sources of income; and

5. Type of housing; and

(c) Water and wastewater source.

(9) "Principal residence" means the place:

(a) Where a person is living voluntarily and not on a temporary basis;

(b) An individual considers home;

(c) To which, when absent, an individual intends to return; and

(d) Is identifiable from another residence, commercial establishment, or institution.

(10) "Subsidy component" means the component that provides an eligible household with:

(a) A payment to the household's water or wastewater provider; or

(b) A payment to a landlord, if water or wastewater is included in the rent.

Section 2. Application.

(1) A household or authorized representative applying for water or wastewater utility assistance shall provide to an agency the following:

(a) Proof of household income;

(b) The most recent:

1. Water bill;

2. Wastewater bill; or

3. Verification that water or wastewater is included in the rent;

(c) A statement of household demographics; and

(d) A Social Security number, or a permanent residency card, for each household member.

(2) An application shall not be considered complete until the required information, as specified in subsection (1) of this section, is received by the agency.

Section 3. Eligibility Criteria.

(1) Gross household income shall be at or below 150 percent of the official federal poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 9902(2).

(2) The household shall be responsible for paying:

(a) The water or wastewater bill; or

(b) Water or wastewater costs as a portion of the rent.

(3) Crisis component. In addition to meeting the criteria in subsections (1) and (2) of this section, an applicant shall have:

(a) Water or wastewater utility arrears;

(b) Entered into a payment plan due to water or wastewater utility arrears;

(c) Received a past-due or disconnect notice;

(d) A currently disconnected water or wastewater service; or

(e) Received a notice of eviction due to nonpayment of rent, if water or wastewater cost is included as a portion of the rent.

Section 4. Assistance.

(1) For a subsidy component, a maximum assistance amount of $400 may be provided for a current water utility bill or water utility arrears, a current wastewater utility bill or wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be based upon household income and whether the household is responsible for water, wastewater, or both.

(b) A household living in federally assisted housing or receiving a utility allowance shall be eligible for a lesser amount of assistance.

(2) For a crisis component, a maximum assistance amount of $800 may be provided for water utility arrears, wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be the minimum needed to address the household's arrearages or alleviate a water or wastewater emergency.

(b) A household living in federally assisted housing may be eligible.

(c) A household may receive crisis component assistance more than one (1) time, but shall not receive more than the maximum assistance amount unless a case-by-case determination is made that no other funding source is available to alleviate a household emergency.

(3) A household may receive assistance for subsidy, crisis, or both.

Section 5. Assistance Delivery Method. Payment shall be authorized by a one (1) party check made payable to the household's:

(1) Water or wastewater utility provider or providers; or

(2) Landlord, if the cost of water or wastewater is included as a portion of the rent.

Section 6. Right to a Fair Hearing.

(1) An individual who has been denied assistance or whose application has not been acted upon within the time standards established in Section 7 of this administrative regulation shall be provided an administrative review by the agency.

(2) An individual dissatisfied with the results of an administrative review may request a hearing be held in accordance with 921 KAR 2:055 and KRS Chapter 13B.

Section 7. Time Standards.

(1) An eligibility determination shall be made by an agency within fifteen (15) working days after receipt of information required by Section 2 of this administrative regulation.

(2) An applicant shall have fifteen (15) working days from the date of application to provide the information required by Section 2 of this administrative regulation to an agency, or the application shall be denied.

Section 8. Water or Wastewater Provider Responsibilities. A provider accepting payment pursuant to this administrative regulation for water or wastewater utility services provided to an eligible recipient shall comply with the following provisions:

(1) Reconnection of utilities shall be accomplished upon receipt of payment.

(2) A household shall be charged, in the normal billing process, the difference between actual cost of water or wastewater and amount of payment made pursuant to this administrative regulation.

(3) An assistance recipient shall be treated the same as a household not receiving this assistance, with the exception established in KRS 278.0154(6).

(4) The household on whose behalf assistance is provided shall not be discriminated against in the services provided.

(5) A landlord shall not increase the rent of a recipient household due to receipt of assistance provided pursuant to this administrative regulation.

(18 Ky.R. 1752; 2281; eff. 1-10-1992; Recodified from 905 KAR 8:190, 10-30-1998; Recodified from 923 KAR 1:190, 7-8-1999; Recodified from 908 KAR 2:190, 6-19-2009; 37 Ky.R. 1866; 2185; 4-1-2011; 39 Ky.R. 164; 490; eff. 9-19-2012; 40 Ky.R. 895; 1296; eff. 1-3-2014; 48 Ky.R. 1956, 2490; eff. 6-2-2022.)